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EDITORIAL COMMENT

New Dwelling Law Constitutional

New York City's new multiple dwelling law, described by Mr. Purdy in the May REVIEW, has been held not to be in violation of the home-rule amendment to the state constitution. The decision is by the court of final jurisdiction and reverses an unfavorable ruling by the court below.

The law to regulate tenements was passed by the legislature as any ordinary law would be passed, and without the special safeguards which the constitution demands for a law relating to the "property, affairs or government" of a city. The Court of Errors and Appeals held that the control of housing and the eradication of slums are concerns of the whole state, and do not relate to the property, affairs or government of a single city. The decision was 3 to 2. Two judges held that the interest of the state as a whole was so remote as to be negligible and therefore that the law could not be said to be general.

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City Managers and the Merit System

The attitude of city managers toward civil service commissions has varied greatly as between individual managers. Where it has been antagonistic the opposition has not been to the application of the merit principle but to the location of control. Some managers have felt that an independent civil service commission was a negation of the theory of the manager plan and an encroachment upon a sector of administration for which the ultimate responsibility was theirs. Others, though recognizing that the conventional civil service commission runs counter to sound theory, have nevertheless favored the establishment of such commissions as a protectio nto the manager against political pressure and hostile public opinion.

The trouble with the independent commission idea is that with respect to a very important element of his duties it places the manager at the mercy of outsiders—outsiders who have a legal right to interfere in details of administration to a degree which the council itself cannot properly enjoy in any field. Civil service commissions can be as politically minded, in the sinister sense, as any public officials, as recent experience in Cleveland has demonstrated.

It is not fair to say that city managers are opposed to the merit system. With all that is involved in the term "personnel administration" they will be found, as a group, to be sympathetic. Their doubts relate exclusively to the question of where control shall be lodged.

Significant of this attitude is the

appointment of John N. Edy, city manager of Berkeley, California, as the representative of the International City Managers' Association, to cooperate with a representative of the Civil Service Assembly of the United States and Canada in a study of personnel administration in manager cities. The findings, with joint or individual recommendations, are to be reported to the presidents of the respective bodies in the fall.

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Barber Shop Opinion vs. the Stay-at-Home Vote

Who is to blame when an election "goes wrong?" Writing in this issue, Mr. Lovett says it is the vote slackers; Mr. Jones lays the responsibility at the door of the "good people" whose publicity methods are bad.

The immediate issue is the recent Detroit election on rapid transit in which the barber shop vote turned out to defeat the plans of the Transit Commission. Mr. Lovett flays the voters; Mr. Jones the leaders. Mr. Lovett denies that barber shop opinion won; he says that the election did not mirror public opinion because so many voters stayed at home.

Nevertheless and notwithstanding, replies Mr. Jones, the stay-at-home vote stayed at home because it was not interested, and it was not interested because the issues had not been dramatized for it. Why not add a professional publicity agent to the city's administrative staff, recognizing that it is the duty of government to maintain a public contact, asks Mr. Jones.

It is an old argument. Our personal belief is that both gentlemen are wrong. If the future of democracy depends upon the injection of a stronger moral urge into indifferent voters, or if it depends upon a dramatization of governmental processes until they vie with the tabloids in the struggle for public attention, it is doomed to failure.

It must be admitted that reformers should learn more about influencing public opinion; but every trick of the advertiser is equally available to their opponents. Reformers try to make their public understand the matter which they seek to promote. Advertisers never worry about understanding; their methods often conceal rather than reveal the true nature of their products. This does not mean that they are necessarily untruthful; it only means that they are interested in a result rather than a process. They want action from the public, not understanding. They recognize that the nature of their product may be too complex for purchasers to understand. By well-known principles of psychology they short-circuit understanding in the interest of consumer's urge. But every reformer is at heart an educator; he wants the public to understand his program.

Few can interpret the engineering specifications of the automobile they buy, but municipal government is far more abstruse. Can Mr. Lovett ever persuade voters *en masse* to spend the energy needed for that comprehension of municipal issues without which no voter has a moral duty to vote? Can Mr. Jones so simplify and illuminate such issues that voters will understand them without conscious effort? The present writer doubts if either thesis will succeed. Democracy does not require that they should.

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On August 20, the voters of Cleveland decided for the third time not to abandon city manager government. More details next month.

OUR AMERICAN MAYORS

XVIII. DANIEL W. HOAN OF MILWAUKEE

BY JOSEPH P. HARRIS
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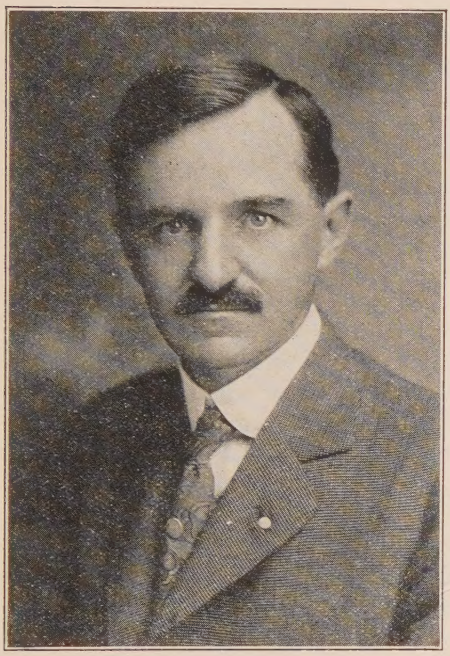
The colorful career of a mayor who is one-tenth Socialist and nine-tenths business man. The champion long-distance Socialist mayor.



MAYOR DANIEL W. HOAN

"WE cannot afford to turn the city over to the Socialists again," said Mayor Bading in the 1916 mayoralty campaign, when he opposed the youthful Socialist candidate, Daniel W. Hoan. He went on to say: "It would paralyze the world. It would mean that the city would be isolated, it would be shunned."

Mayor Hoan is now serving his fifth term, and in 1932, at the end of the present term, he will have been mayor of the city of Milwaukee for sixteen years. This record is all the more remarkable in view of the fact that Milwaukee is not a Socialist city, despite the common impression to the contrary, and the Socialists have not commanded a majority in the council at any time during these terms. At the last election the Socialists lost five members in the council, but "Dan" Hoan was elected by the largest majority he ever received. In fact, his opponents now complain that they cannot get a good candidate to run against him, for the public confidence in his honesty, ability, and zeal for the public welfare is so great that no outstanding person in public life cares to oppose him.

FROM SCULLERY TO MAYOR'S CHAIR

The history of Dan Hoan reads like that of the typical eulogistic campaign biography (though Hoan has never exploited his career to capture votes). He was born in Waukesha, Wisconsin, a small city near the outskirts of Milwaukee, in 1881. His father was the village blacksmith and town radical, who was not looked upon with favor by his fellow townsmen because of his radicalism. When Dan was fourteen years of age his father died, and he was forced to stop school to support the family. He started to work in one of the resort hotels in Waukesha as a helper in the kitchen. By the time he was twenty-one years

of age he had become a chef, and had worked in some of the finest hotels in Milwaukee and Chicago. When he was elected mayor of Milwaukee, in 1916, one of the local newspapers carried a feature story about the boy who had risen from the scullery to the mayor's office.

At the age of twenty-one Daniel Hoan returned to school, entering the University of Wisconsin. There he worked his way as a cook for a fraternity, but his work did not prevent him from being active in student life. He organized the first Socialist club among the students, and was elected president of the senior class in his last year. After graduating in 1905, he went to Chicago and started a restaurant of his own. In this he was successful, but after a year gave it up because he was unable to read law in his spare time, as he had planned. He secured employment in a law firm at six dollars a week—the lowest wage which he had received since he started as a kitchen helper at the age of fourteen. He entered Kent Law School, was graduated and admitted to the bar in 1908. At that time he was offered an attractive position with a prosperous law firm which had a large corporation practice, but he refused and started into business for himself. Shortly afterwards he was persuaded to return to Milwaukee. In 1909 he married Agnes Manger, whom he had met in Chicago in 1905.

In 1910, when Hoan was only twenty-nine years of age, and had been admitted to the bar only two years, he was put on the Socialist ticket as candidate for city attorney. The leaders of the party had confidence in him, and there were none too many attorneys within the ranks of the party to choose from. By chance a Socialist landslide of that year carried the entire ticket, headed by Emil Seidel for mayor, into office. Two years later the Socialists were swept out of power, but the office of city attorney had been given a four-year term, and so Hoan remained in office. In 1914 he was reëlected city attorney by a small majority.

As city attorney of Milwaukee, Hoan made a remarkable record. He selected as subordinates capable young attorneys who have since risen to the top of the profession. Two of his assistants have since been candidates against him. Hoan not only looked after the routine legal business of the city in an efficient and energetic manner, but he also attracted a great deal of attention by bringing suits against the local gas and electric companies and winning them. He forced down the utility rates, forced the street car company to pave and sprinkle between its tracks, and brought action successfully against the railroads to abolish many grade crossings in the city. He won also an important case concerning the power of the city to regulate billboards. His vigorous prosecution of the duties of the office and defense of the rights of the public earned for him the public approval and confidence which made him mayor.

1916 CAMPAIGN WARM

In 1916 Hoan was chosen by the Socialists to run for mayor. He was elected by a narrow majority. Mayor Bading, his opponent, charged the Socialists with being "liars, indecent, un-American, red-flaggers, not fit for office, anarchists and political pirates." In a typical speech, he said:

> The fang of the viper is ready to suck Milwaukee's life blood. Socialism, with all its heresies and un-American ideas, is knocking at the door. Will you, as you have done in the past two years, bar it against the Red Flag, and send out word to the people of these United States—yea, even to the world—that Milwaukee

will never again allow the Red Flag to replace the Stars and Stripes on the flag pole of the City Hall.[1]

The slogans of the Nonpartisans (coalition of the Democrats and Republicans against the Socialists) included the following:

Either Socialism or the American government must perish.[2]

Join the nearest anti-Red club, young man.[3]

It is up to you, young man, to recall the spirit of '76 and retire all the Reds.[4]

Candidate Hoan, however, was a doughty campaigner. He replied to the charge of radicalism, red flag, and "save Milwaukee," as follows:

The main issue of this campaign is whether the flag of the street car company will float over the City Hall instead of the Stars and Stripes left there by Emil Seidel, former Socialist mayor. I refuse to believe that it is necessary to sell out the City Hall to the street car company and its black flag of monopolistic piracy in order to be American citizens.[5]

Hoan charged that his opponents were the tools of the utilities. In order to make his charges against the utilities more effective, he took to his public meetings a piece of water pipe taken from the city mains, which had holes in it eaten by electrolysis from the escaping current of the utility company.

THE LOYALTY ISSUE

When the election was over, Hoan had won by a narrow majority, but the council was against him, and the other city offices were filled by Nonpartisans. The election of 1918 turned largely upon the loyalty issue. The Socialist platform of that year contained a plank opposing the entrance of the United States into the World War, and the patrioteers whooped it up against Hoan.

The mayor, however, defended his war record and support of the national government, and, while he lost many votes because of the war hysteria, he undoubtedly gained other votes from racial groups opposed to the war, particularly the Germans, and was returned to office by a narrow majority. The same issue was used in the election of 1920, and the result again was close. In this election Hoan was criticized for failure to invite the King of Belgium to visit the city. He was reported to have replied during the campaign: "To hell with the King; I am for the common man."

In 1924 he was opposed by Dave Rose, a former mayor of the city who had served five terms, and who was a seasoned campaigner with a flamboyant style of oratory. In the old days when Rose was mayor of the city, prior to 1910, it was wide open to every sort of vice, gambling and prostitution, and to corruption in the city hall. During his last term Rose spent much of the time making anti-prohibition speeches throughout the country for the brewery interests. After retiring from the office of mayor, Rose became connected with several questionable financial ventures, became bankrupt, later tried to establish himself in China, New York City, and other places, and finally returned to Milwaukee to save the city from Socialism. It appeared at first that Rose would be a formidable candidate, and in the primary he polled more votes than Hoan, but before the election was held his record was exposed, the women voters were aroused against him, and Hoan was reëlected by a majority of over 17,000 votes.

[1] *The Milwaukee Journal*, March 27, 1916.
[2] *The Milwaukee Sentinel*, April 3, 1916.
[3] *The Evening Wisconsin*, March 29, 1916.
[4] *The Milwaukee Sentinel*, March 31, 1916.
[5] *The Milwaukee Leader*, March 29, 1916.

HOAN PROMISES HIGHER TAXES

In this campaign Rose ran on a platform of economy and reduced taxes, as well as the old standby—the bogy of Socialism. Mayor Hoan took the bold stand that there could be no reduction in the taxes without sacrificing the schools, the park system, the public health work, or other essential work of the city. He dared to tell audiences of wealthy citizens that they, and not the radicals, were the real enemies of the city, for they would cripple the city's activities by shouting about high taxes.

In the 1928 election no opposing candidate of any considerable strength announced himself against Hoan. His opponent in the final election, Charles Shallitz, while strong enough to capture the Republican nomination and be elected sheriff two years earlier, had no chance of election, and Hoan made no campaign whatever. He was reëlected by a majority of 18,000 in an extremely light election. In this election he carried even the wealthiest and most conservative wards of the city. He is commonly looked upon by the conservative groups of the city as being one-tenth a Socialist and nine-tenths a lawyer and business man, and a good one. His popularity is not due to a magnetic personality, though he is democratic, approachable and tactful. It is always easy to see the mayor, and his office is not infested with politicians. He is not a silver-tongued orator, though an effective speaker. There is no bluff or bluster about him. In short, he does not maintain his popularity with the people of the city by any of the usual arts of the politician, but rather by his rugged honesty, his constant fight for the public interest, and his far-sighted judgment and vision of a greater and better city.

LEGALLY A WEAK MAYOR

In announcing his candidacy in 1928, Hoan declared that the city of Milwaukee had developed from one of the worst governed cities in the country in 1910 to one of the best governed cities. He went on to point out that the various municipal departments had been reorganized and cleaned up, despite obstructions and opposition of the city council. This is an actual record of achievement, and one that is remarkable in view of the limited legal powers of the mayor and, with the exception of one term, the opposition of the city council.

The powers of the mayor of Milwaukee are weak. He appoints the heads of the principal departments, but his appointments are subject to confirmation by the council, and he does not have the power of removal. Although Hoan was first elected mayor in 1916, it was not until 1922 that he was able to secure confirmation for a single mayoral appointment, except that of chief of police. The old chief of police he was able to force out by evidence of corruption and graft which he secured. During the period before 1922 the council kept the incumbents in office by refusing to confirm the new appointments sent in by the mayor. A number of offices were mismanaged and for years the mayor tried to clean them up, but to no avail until he secured a sympathetic council. For example, a former building commissioner permitted the building code to be violated at the request of members of the council, and administered the duties of the office in a way which the mayor disapproved, but it was not until finally a coalition could be formed between the Socialists and several Polish Nonpartisan members of the council that a new commissioner, a Polish architect, could be confirmed.

With the election of eleven Socialist councilmen in 1920, and the support of two other members, Hoan secured a majority of the council, and proceeded to clean up the city departments by appointing men of outstanding ability to head them.

A FRIEND OF CITY PLANNING

Mayor Hoan has taken a leading part in all the large projects for the development of Milwaukee. For years he had been a strong advocate of city planning, and has backed up the public land commission (the city planning board) with vigorous vetoes when the council has attempted to break down the zoning law.

In 1926 the council voted an amendment to the zoning law to permit the building of two-story flats over stores. Hoan vetoed the ordinance.

Mayor Hoan has realized for years the importance of the harbor and has supported plans for its development. One of the problems of harbor development was that of acquiring riparian rights to the land bordering on the lake. Years ago a committee of the council was created to see what could be done toward securing one large strip along the lake front which was still privately owned. For ten years this committee carried on, but made no progress. Finally the mayor took the initiative to see what he could do. He broached the matter to some of the wealthiest citizens who owned land along the lake front, and was soon able to get the landowners to donate the riparian rights along the lake front to the city, and now the city owns the entire lake front. One large tract was purchased for park purposes at an extremely favorable price. Another part of the harbor development has been the building of a lake-front park. When Mayor Hoan first began to talk about the development of a lake-front park, of securing riparian land rights, and of developing the harbor, he was looked upon as a visionary and was opposed by selfish real estate interests. Now that the land has been secured, and at practically no cost, the lake-front park built, and harbor plans laid, the whole development is looked upon as one of the largest achievements of the city.

LED FIGHT FOR HOME RULE

Mayor Hoan led the fight for home rule in the state. This fight, too, was an uphill and discouraging affair. Once the voters of the state voted down the referendum proposition. The present home-rule amendment to the state constitution, which is one of the broadest grants in any of the states, was drafted by Hoan. He secured the support of the state League of Municipalities and was by far the most influential person backing the amendment before the state legislative sessions at which the matter came up.

Within recent years his interests in state legislation have centered largely in the so-called power bills. Legally, the cities of the state may acquire their utilities and operate them, but practically they have a very limited power because of the narrow debt limit of cities, which in most cases has been practically used up. In 1928 the League of Municipalities adopted a legislative program to make it possible for the cities to own and operate their utilities. One bill would permit the cities to issue utility bonds which would be a charge against the utility, and would not become a part of the indebtedness of the city. Another bill would permit the cities with municipally-owned utilities to form a utility district, merging the utilities of the various cities so that the economies of large scale production would be possible. Another bill related to the taxing of utilities, and so

on. When this program was submitted to the league there was little or no opposition. Various persons explained and defended the program, but no one opposed it. Hoan arose and urged that no vote be taken until every member was fully aware of what the program meant, and proceeded to advance every argument which would be made against it, and to discuss each.

In many other public matters Mayor Hoan has taken a very important part in protecting the public interest and planning for the future. Many important developments have been made which should be credited in large part to him. Some years ago the position of real estate agent was created to protect the city against the paying of exorbitant prices for real estate. Milwaukee is probably the only city in the country which has a commissioner of annexation, whose business it is to work for the annexation of outlying suburbs. Hoan has been particularly active in promoting annexation, often making speeches in the outlying sections, explaining the advantages of coming into the city. Mayor Hoan was one of the first persons to urge the state to bring suit against the city of Chicago for excessive diversion of water from Lake Michigan.

At the present time an investigation is being conducted by a special committee of the council, which competent observers say is designed to embarrass the mayor. One part of the investigation has to do with a fund of $10,000 which the mayor has from the sale of government surplus goods following the war. Since the city did not have the power to undertake the sale of the army surplus goods, the mayor undertook it in his capacity as a private citizen, arranging for the sale in the public market. Several hundred thousand dollars' worth of goods were sold, and a profit of $10,000 was realized. This the mayor has in his own name in a special fund. He has offered it to the council five or six times, with the stipulation, however, that it be used in connection with the development of a public market. The council has refused to accept it under the terms, and now is investigating the well known fact that there is such a fund in existence. Other charges and rumors of a more serious nature, involving members of the council, are being overlooked or whitewashed. While a vigorous attempt will be made to discredit the mayor, it seems quite likely that he will be stronger at the end of the investigation than at the start.

LOCAL TAXATION: RECENT CHANGES IN ENGLAND AND WALES

BY I. G. GIBBON
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An excellent analysis of the financial features of the new Local Government Act which radically modifies the relations between national and local finance. :: :: :: :: :: :: :: :: ::

In a short article it will not be possible to do more than to sketch quite briefly the financial provisions of the Local Government Act of this year, without mention of the other administrative changes. First as to the guiding purposes; these may be stated thus:

(1) A wider area of charge for certain local services;
(2) A reduced incidence of local taxation on industry;
(3) A larger contribution from State funds towards local services;
(4) The distribution of State moneys to the local authorities according to their several needs.

As to (1), the area of charge:

Poor relief and public roads, except local roads in towns, are made a charge on the county instead of, as hitherto, on the several districts (unions for poor relief; boroughs, urban districts and rural districts for roads; main roads were already a county charge). County boroughs (our largest towns, now 83 in all) are, however, outside the jurisdiction of the county councils, and will be separate units for poor relief and for public roads.

As to (2), incidence of local taxation:

It appears to be the impression in some quarters abroad that the sole object of the reform is partially to relieve industry from local charges. That is one of its provisions but as part of a comprehensive change.

It has long been felt that the system of local taxation needs to be adapted to modern conditions. The difficulty has been to devise a reform in which too many holes could not be picked, and there are still differences of opinion. With taxes levied almost wholly on real property, according to its annual value (with certain allowances), the present system was considered by the government in power to bear harshly on productive industry, which requires a large amount of land, buildings and fixed plant.

The scheme of the Act ("derating," as it is called; the local taxes are known as rates) is to reduce by three-fourths the basis on which local taxes will be paid on productive industries. Railways, docks and canals will be similarly relieved, but on condition that the reduction is passed on in reduced transport charges. For agriculture the basis had already been reduced many years ago, first to one-half and later to one-fourth, and it is now wholly removed for agricultural land and buildings, so that in future local taxes will not be paid on them—but will continue to be paid on the farm house and on the cottages.

STATE GRANTS ON NEW BASIS

As to (3), State grants:

There has been a steady growth in recent years in the proportion of local expenditure provided by the State. That will now be further increased, because the losses to local authorities due to derating will be made good out of the national exchequer. Some additional money is also provided by the State.

The general result may be gathered from the following figures for the year 1926–27:

	Millions
Total revenue expenditure of local authorities (including that on trading undertakings)	£402
Met out of local taxes	159
Met out of State grants	87
If derating had been in force during the year, the local taxes would have yielded less by about	24

As to (4), distribution of State moneys (grants):

The Act provides for a central pool of State money, called the general exchequer contribution. This is to consist of:

(a) The already mentioned loss, estimated at some £24 millions, from derating.

(b) Certain grants, estimated at some £16½ millions, which are to be discontinued. Some of these grants are now distributed on bases fixed many years ago which have little relation to present expenditure or need; some are paid in proportion to local expenditure on particular services (the percentage grants). These latter grants include payments for maternity and child welfare, for the treatment of tuberculosis and venereal diseases, for the welfare of the blind and for the care of the mentally defective.

(c) New money, fixed at £5 millions a year for the first three years.

This central pool will be distributed according to population, but population weighted according to a formula. This formula takes account of rateable value per head (as an index of taxable ability to pay), proportion of children under five years of age to the total population, the measure of local unemployment, and, for the counties but not London or the county boroughs, the local density of population (so devised as to give weight to low as well as to high densities). Weights are given to these several factors so as to obtain distribution according to what was considered probable local needs.

TREATMENT OF NECESSITOUS AREAS

One of the problems which the new scheme is designed to solve is that of the distressed or necessitous areas, areas containing a very high proportion of working-class population with the need for large expenditure for local purposes and relatively low taxable capacity. Estimates which have been published indicate that these areas will gain substantially from the scheme.

State grants for education and for police, and the larger part of the grants (from the central Road Fund) for roads, will be continued on a percentage basis. The total grants for these three purposes amounted in the year 1926–27 to nearly £64 millions, nearly £40 millions being for education.

The new scheme is not to be brought into force in its entirety at once. In each of the first seven years (a) 75 per cent of that part (estimated at some £40,500,000) of the whole pool which is to compensate for the derating loss and the discontinued grants will be distributed in proportion to the loss in

each district from these sources, and (b) the remainder of the pool on the formula. In each of the next five years, the proportion distributed under (a) will be reduced from 75 per cent to 50 per cent; in each of the succeeding five years, it will be reduced to 25 per cent; afterwards, the whole pool is to be allocated on the formula.

The formula will be applied only in the distribution of money from the State to the primary local authorities, the county councils and the county borough councils. In counties, there are also county district councils, which comprise town councils, urban district councils and rural district councils. To each of these authorities within the county a grant will be made according to population, without weighting. For the urban authorities, it will be a fixed sum per capita obtained by dividing one-half of the total exchequer distribution to all counties (excluding London) by the population of the counties. The amount is estimated at about twelve shillings and sixpence per head. For rural authorities (who have less expensive duties), it will be one-fifth of the rate for the urban, that is, about two shillings and sixpence per head of population. The county council will receive in relief of its expenditure (relief which, of course, will be passed on to all ratepayers in the county) the county's quota of the grant pool, ascertained in the manner already described, less the amount of the per head grants to the county districts within the county. There are special arrangements for London.

BLOCK GRANTS

The substitution of block grants for percentage grants will relieve local authorities of much detailed control unavoidable under the latter system. Two virtues in particular have been credited to percentage grants—(a) that they assure State assistance in proportion to local expenditure, (b) that they are an excellent bait to catch the more laggard authorities.

As regards the first, there are certain safeguards in the Act to reduce the risk that local authorities may lose under the new system; thus: (1) the total pool to be distributed to local authorities is not to be less, in proportion to the total expenditure of local authorities from rates and this pool, than it is when the scheme is first brought into force; (2) each county and each county borough is guaranteed a gain of at least one shilling per head of population; (3) each district is given a limited guarantee against a rise in rates.

As to the second (laggard authorities), there are provisions, as there were previously, by which a local authority which fails to carry out a public health duty may be superseded for that duty. In addition, the whole or part of a grant may be withheld if there is grave failure of duty or gross extravagance.

The scheme is a large reform of local taxation and of the relations between State and local finance. Local authorities, not unnaturally, were a little apprehensive of the effect on them. Concessions were made to reduce their fears. In addition to those which have been mentioned, it was provided in the Act that the present State contribution is not intended to cover State assistance for any new duty which may in future be placed on local authorities by Parliament; and (with typical British caution) the working of the new scheme is to be investigated within seven years and a report made to Parliament.

Such in briefest compass are the financial changes contained in the Local Government Act, changes of wide import in matters of much discussion and difference of opinion.

UTILIZING MANHATTAN'S PRESENT TRAFFIC FACILITIES

BY JOHN J. QUIGLEY
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Proposals for immediate traffic relief which can be introduced while large projects are in process of construction. :: :: :: ::

A GOOD deal has been written and much more said about the unfortunate position in which New York City finds itself with regard to the problem of handling the ever increasing volume of traffic upon its streets. It is true, of course, that other large cities in the country and even the smaller centers of population have been forced to cope with their share of the more than twenty-five million cars in operation. But nowhere in the country is the traffic problem more acute than in the nation's largest city.

For the city as a whole, the traffic problem is simply that a growing number of vehicles and pedestrians, already too large for accommodation under existing arrangements, clogs the city's streets. But the problem is most acute on Manhattan Island, where conditions are well-nigh intolerable. The automobile driver of average ability and thorough knowledge of the island is fortunate if he can drive the eight miles from City Hall to the Bronx in less than an hour. To the time delay is added the nerve-wracking strain of shifting gears dozens of times, and of perilous maneuvering in the press of cars. The economic loss due to crowding and delay is almost incalculable.

A survey of the conditions underlying the movement of traffic in Manhattan reveals the causes of this overcrowded condition. Vehicular traffic here is of two kinds, local and through. If the streets on the island had only to accommodate local traffic, the situation would be serious enough, for the concentration of business and commercial activities, especially in the financial, Forty-second Street, and waterfront districts, requires a tremendous number of passenger cars and trucks. But the fact that Manhattan is practically the geographical center of Greater New York, and is also the gateway to a considerable portion of the continent, subjects this limited area to at least an equally large volume of through traffic, originating in and destined for neighboring boroughs and states. Most of this traffic, as well as the movement of vehicles from one of its centers of business to the other, must be accommodated on north-and-south avenues. And it is in this respect that the situation is peculiarly difficult.

The shape of Manhattan Island is unsuited to the accommodation of such north-and-south traffic. And this inadequacy has been greatly aggravated by the manner in which the city was laid out. The planning commission provided almost three times as many crosstown streets per mile as north and south avenues. If the latter were two hundred feet apart instead of five or six

hundred, the island could carry its present volume of through traffic comfortably.

LARGE PROJECTS FOR RELIEF NOW IN PROCESS

Recognizing the temporary and incomplete nature of the remedies now in force, traffic experts have been and are now studying the possibility of relieving the pressure from the other direction by adding to existing facilities. East side and west side speed highways are being planned, a tri-borough bridge connecting Manhattan, Long Island, and the Bronx has been approved by the city administration, and a Hudson River bridge spanning northern New Jersey and northern Manhattan is now under construction. Meanwhile additional underwater and crosstown traffic tunnels are planned, and a movement is under way to accommodate the cars now parked on important avenues in projected mammoth parking garages. It would seem as if the city authorities and business and social groups are at last coöperating in an effort to grapple with the fundamentals of the traffic problem.

This new program has tremendous possibilities. Most of the projected measures are designed to take the bulk of through traffic right off Manhattan's crowded streets, leaving only the local traffic, which is less than half the present total volume, to be accommodated. The remaining measures would allow more space than now exists for the handling of this diminished volume of vehicles. When the whole program is finally put into operation our traffic problem will be well on the way to solution for a considerable space of time.

STEPS FOR TEMPORARY RELIEF NEEDED

But, unfortunately, most of these arrangements will require several years for completion. Meanwhile the crowded condition of our streets continues, and becomes more acute with each passing day, with the consequent loss to business of millions of dollars in time, materials, and human energy. So while every effort should be devoted to forwarding the program of providing adequate permanent facilities, our harassed population would do well to examine every possible avenue of temporary relief.

There is no reason why, if the matter is given proper study, the present avenues cannot be made to accommodate the traffic load more easily. The present arrangements for traffic control need only be extended to accomplish this result. The author has in mind several steps which might be taken in this direction:

(1) Let the light-control system be entirely overhead and be fully synchronized so that these and other control arrangements may operate in unified fashion for the whole island.

(2) One of the reasons why traffic now overtaxes streets is because two streams of vehicles must pass each other in opposite directions. This difficulty was recognized and remedied in the case of crosstown streets. Why not one-way north and south avenues? Let Madison and Seventh Avenues be permanently north-bound avenues, let Park Avenue and Tenth Avenue (below 42nd Street) be permanently south-bound avenues, for the better accommodation of local traffic, with some through traffic. And for the more efficient handling of through traffic, let Fifth Avenue and the speed highways on First and Eleventh Avenues (when completed) be southbound from 7.30 to 10.00 A. M., two-way from 10.00 A. M. to 4.30 P. M. and northbound from 4.30 to 7.00 P. M. and two-way thereafter. This latter arrangement takes into account the fact that the

West Side Elevated Express Highway under Construction in New York City

greater portion of through traffic on Manhattan's avenues is southbound in the morning "rush period" and moves in the opposite direction in the evening. Existing theatre district regulations need not be disturbed by such a program.

The value of the one-way feature becomes apparent when one considers the space wasted in the center of a street which carries two-way traffic, because of the necessity of inside lane traffic allowing a considerable margin for safety. On Fifth Avenue, for example, when cars are parked at the curb, two lines of traffic now move in each direction; if this were a one-way street, five lines of vehicles could be comfortably accommodated in the same space. The wastage is proportionately greater on an avenue which under one-way traffic flow can accommodate four lines of cars, where but two lines now pass each other safely, neither daring for long to establish a third line. The seven avenues mentioned above, if converted into one-way passages, would provide for at least seven additional lines of traffic, which would be equivalent to adding more than an additional "Fifth Avenue" to existing facilities.

If the existence of surface car lines on many important avenues did not interfere, seven other north-and-south highways could be put on a one-way basis, with a consequent addition to the space available for vehicles. Perhaps on most of these streets an arrangement could be worked out whereby the trolleys would be operated one-way on alternate avenues, returning in the opposite direction on the next parallel avenue of tracks. Such an arrangement would in no way seriously inconvenience street-car users, and it would permit the space benefit of the one-way principle to be utilized to a considerable extent. With a total of fourteen avenues so arranged, additional space for vehicles equivalent to three new main avenues would be made available.

GREATER AVERAGE SPEED POSSIBLE

(3) In addition to the virtual adding of space by the application of the one-way principle to avenues, even greater relief could be obtained by a more scientific control of vehicular direction and speed. One of the principal causes for the congestion of vehicles, especially in "rush periods," is the slow average rate at which traffic moves. The lines of cars next to the parked vehicles or to the curbs have their progress limited by slow-moving busses or trucks and by the frequent right-turning of cars into side streets. The inside "lines" are sometimes even more greatly hampered by the fact that vehicles are permitted to make left-hand turns into those alternate side streets in which the movement of traffic crosses the avenue from right to left. As a result the inner lines of cars often have their movements completely blocked by the piling up of left-turn vehicles waiting for the lights to permit movement of cross-traffic. So that center lane traffic moves only about half the time that the lights are in favor of north and south traffic. As a result, vehicles which travel twenty-five miles per hour or faster, *when moving*, scarcely average more than ten miles an hour under these conditions.

If the one-way principle were adopted, however, much of this unnecessary confusion and delay could be eliminated. Right turns could be permitted only to those vehicles in the right outside line, and left turns only to those in the left outside line. This would leave two or three lines of center traffic free to move without interruption as long as the lights permitted. The absence of obstructing "turn-cars"

here and the fact that these lines of automobiles would all be travelling in the same direction would make it possible to raise the speed limit for such traffic to thirty miles per hour. Indeed, vehicles in these lines might well be *compelled* to travel faster than twenty-five miles per hour or move into the outside slow traffic lines. Those drivers wishing to turn off at any point could move into the side lines of traffic in time to make the turn. For the four avenues whose direction of traffic flow would be changed during the day, left-hand turns could be prohibited during the time they were two-way avenues.

The relief afforded to the present congestion by such an arrangement would be even greater than that made possible by the change to the one-way plan. For it would practically double the average speed of through-traffic which would be equivalent to providing three more avenues for every five which now exist. In terms of individual benefits, the average driver could get through Manhattan Island in little more than half the time now required. And the one-way feature would afford this time saving to a considerably increased number of vehicles.

The suggested innovations offer still another benefit. One of the worst elements in the traffic problem in Manhattan is the widespread custom on the part of pedestrians of darting through moving traffic when the traffic light is "against" them. The most sincere efforts of police officers aided by safety-first campaigns, school-teacher warnings, etc., have not lessened this tendency appreciably, and, as a result, the whole movement of traffic is delayed, and many injuries and fatalities to pedestrians result. The establishment of the one-way stream of traffic coupled with the speeding up of inner lane vehicular movement would prevent this mutual loss. The isle of safety in mid-avenue between traffic moving in opposite directions, which now tempts the impatient pedestrian, would be abolished. More than that, he would be confronted with a solid stream of vehicles stretching the full width of the avenue, with the inner lines of cars moving *too fast to dodge*.

The proposed arrangements, it would seem, would in a real measure go far toward lessening the pressure of traffic upon our crowded streets. The existing volume of vehicles would find more room to operate, and would pass through Manhattan's avenues at nearly twice the present average rate of speed. Indeed the increased number of cars which we must accommodate with existing facilities until the permanent additional arrangements are made could be fairly comfortably accommodated. The plan entails practically no financial outlay or construction of equipment on the part of anyone. It could be adopted in a very short time; its going into effect need wait only for a detailed plan to be made and for sufficient publicity to precede its inception. No real difficulties of enforcement would present themselves since motorists would be more than glad to coöperate in an arrangement which so materially relieved their difficulties.

There is nothing revolutionary about the scheme. Every one of its elements has been tried before with success in other places. It proposes only to combine tested media of traffic control in a way that is designed to meet the conditions peculiar to Manhattan Island. Whether considered as a measure for temporary relief or as the basis of future traffic movement with larger and better facilities, or both, it merits careful consideration and a thorough trial by those interested in solving the traffic riddle.

FORECASTING CITY GROWTH[1]

BY J. ROWLAND BIBBINS
Consulting Engineer, Washington, D. C.

The value of an economic forecast in planning urban service facilities. Forecasting is not a guessing contest. :: :: :: :: ::

It is apparent that the utilities rather than the city governments are generally in the lead in active planning for the future in broad perspective. They have to do it to determine where, when and what facilities are to be installed to meet city growth. In Detroit the specific problem was to forecast the probable building cubage by five-year stages, from 1925 to 1950, in the so-called business district. Buildings were separated into seven different classifications, and the territory into forty-five sub-districts or zones of differing business characteristics. The area involved covered about 550 city blocks in a rectangular plot one mile wide by three miles long.

For such a dynamic industrial center, a reasonable population forecast required a very careful examination into the broad economic picture of the city's growth from the old historic city of 1900, proud in its conservatism, to the now revitalized industrial community with its traffic-ways carrying a motor load of nearly 400,000 automobiles, and with whole communities, some speaking a foreign language, surrounding the great industrial establishments. It is significant that over half the commodity value of Detroit's production now rests upon diversified industries other than automobiles and accessories. Here, indeed, is most evident the opposing centrifugal and centripetal forces of urban development—the outside realty and the central realty. Deeply embedded in this economic struggle is the problem of taxation and of the high building or skyscraper. Already 10,000,000 square feet of high building floor area exist outside of the present downtown central zone as compared with 12,500,000 square feet inside (ten floors and above).

[1] Presenting the results of a year's engineering study of Detroit's future "Central District," population and commercial growth up to 1950. From a survey report on "A Building Construction Forecast," made by the writer for the National District Heating Association and the Detroit Edison Company under the Department of Engineering Research, University of Michigan. Prof. J. H. Cissel of Ann Arbor, and Mr. N. B. Hubbard, engineer of Detroit, collaborated in this survey.

LAND VALUE AND POPULATION

The future population of the Detroit district was estimated to be 1,640,000 people in 1930 and 2,750,000 in 1950, which forecast approximates Chicago's experience in a corresponding industrial era. This was the first step.

The next question was the economic relation between building construction and population. Here available experience and statistics were lacking. So the problem was attacked *de novo* on the basis of land value, and it was found that in urban experience throughout the country an astonishingly rational relationship existed between land value and population. Some economists question this, but New York, Chicago, Philadelphia, Cleveland, Detroit and other smaller cities have followed a parallel trend. Some

twenty or thirty "key blocks" in Detroit selected for detailed examination have followed a similar trend. Thus central land values are increasing about as the first power of the population; outside values as the second, third or even fourth power, according to distance.

From this fundamental economic relation, future land values throughout the entire survey zone could be predicted. Local knowledge of "district" characteristics was employed, and allowances for enhancements due to city planning, major highways and rapid transit were made.

Further technical studies of probable building cubage properly reflecting land value and population growth developed a rational formula for these economic relations. Here the experience of the Building Owners' and Managers' Association proved most effective. Questions of efficiency of design, range of rentals, financing practice, construction methods and cost ranges, and last but not least the probable effect of zoning height limitations were all deeply involved in the problem.

The survey-forecast is thus a composite picture of historic trend, economic law, engineering experience, construction practice and local judgment. Mathematics and theory alone would not suffice. The cubage forecast presents "probable building cubage." This is not necessarily "economic cubage," for it is found that some districts will be underbuilt and some overbuilt until the law of diminishing returns inevitably corrects the economic disharmony. It is interesting that the actual gross building cubage for 1926 was found to be as close as 4 to 9 per cent, in some of the zones not yet influenced by overbuilding or underbuilding, to that produced by the conversion formula.

HIGH VALUE PEAKS

That Detroit is attempting to do business on an economic "mountain-top" of land values more peaked at the center than Chicago, New York or Cleveland is shown by land value profiles along their business axes. Cleveland has the flattest value profile —a fact worth much study by both zoners and realtors.

The final results are rather appalling in view of present traffic troubles in our highly concentrated cities. The survey indicates:

Nearly doubled population by 1950; 1,340,000 increase.

Nearly trebled building cubage; 2,000,000,000 cubic feet added.

Increase in land values of 2½ times; over $1,000,000,000.

About doubled business land area; 16,000,000 square feet added.

Within about a one-mile circle from the City Hall, building cubage will more than double. Outside, 16,000,000 square feet of residence land will be converted to business purposes. The problem of building and rebuilding offers an immense opportunity for wise technical planning and re-planning of our cities. Without it strangulation and emigration of business districts must ensue, possibly with tremendous relative losses in established values. Even more deeply involved is the fundamental problem of equitable taxation. Obviously, subcenters will be most valuable in this picture of vast economic growth *if they are planned ahead.* Detroit already has one such—at Grand Boulevard.

The results of this survey indicate that forecasting may form the finest argument for adequate city planning and zoning, of which future building cubage is the very foundation.

WHERE DOES LEGISLATION ORIGINATE?

BY HARVEY WALKER
Ohio State University

A study of the place of origin of measures introduced into the Ohio Senate at the last session. :: :: :: :: :: :: ::

It is a commonplace of state government that much legislation has its origin outside of the legislature. Thinking that it might be of interest to students of political science to know just what the sources of legislation were in a given legislative session, the author of this article interviewed the members of the senate of the recent Ohio General Assembly, asking each senator to tell the origin of the legislation he had introduced. The purpose for which the information was desired was explained and none of the senators appeared reluctant to talk. This article presents the data thus secured.

MAJORITY OF BILLS ORIGINATE OUTSIDE

The senate in the 88th General Assembly of Ohio consisted of thirty-one members. In forty-eight legislative days, 267 bills were introduced and seventy-three became law. The senate passed 140 senate bills, but only eighty-three of these were passed by the house, and ten of these were vetoed by the governor.

In the past session, seventy, or 26 per cent, of the bills introduced can be said to have had their origin within the legislative assembly, while 197, or 74 per cent, originated outside. The number of bills originating within the senate was abnormally high, on account of the fact that thirty bills were introduced for the joint legislative committee on economy, an interim group which had been conducting a study of the state's administrative machinery. Eliminating this group of bills both from the group having legislative origin and from the total, those originating within the senate would form only 16 per cent of the total number of bills introduced, which is probably more nearly the normal figure.

Of the bills having a legislative origin, members of the senate claimed thirty-two as their brain children. Of the remaining eight, four were sponsored by the joint committee on prisons of the 86th General Assembly, one by an interim committee on election laws, and three by the joint committee on taxation and economy of the 86th General Assembly. Of the thirty-two personal bills, twelve were passed by the senate. Of these, only five were passed by the house, and two of these were vetoed. Seven of the proposals of the joint committee on economy were passed by the senate. All of these but one died in the house, and this one was vetoed. All of the bills introduced by the joint committee on prisons were passed by the senate, but only one was passed by the house and became a law. The single bill sponsored by the committee on elections was passed and signed by the governor, largely because it was one of the administration measures. Only one of the taxation committee's proposals was passed, and this became law. The senate's activities in connection with the proposals originating in the

senate can be summarized as follows: Passed by the senate, twenty-five, or 36 per cent; lost in house, sixteen; vetoed by governor, three; net number of new laws, six, or 8 per cent of the seventy bills introduced.

A second important source of legislation is the administrative offices, state and local. In the recent session, forty-two bills can be traced to state administrative offices, twenty-one to city offices, and fifteen to county offices,—a total of seventy-eight, or 29 per cent of the 267 bills introduced. Among the state offices the governor contributed directly only three bills; the other elective state officers, seven; the department of public welfare, seven; the tax commission, five; the department of education, five; and the public utilities commission, two, the remainder coming from widely scattered agencies of divergent types. Of the city bills, five came from Cleveland, three from Dayton, two from Cincinnati and the remainder from other municipalities. Only Cuyahoga County contributed more than one bill to those having their origin in county offices, there being two from that source.

Of the bills originating in state offices, the senate passed twenty-nine, or 69 per cent. Of these the house passed twenty-one, and three of these felt the veto axe. The net product, therefore, was eighteen, or 43 per cent of the number introduced. Of the city and county bills, twenty-six, or 72 per cent were passed by the senate, and twenty-one survived the scrutiny of the house. Only one was vetoed, leaving twenty, or 58 per cent of the number introduced, to become law. Combining the state, city and county bills, there were seventy-eight, of which fifty-five were passed by the senate and thirty-eight became law, a percentage of success for this type of bill of 49.

Legislation originating from official sources comprised 148 bills, as has been outlined above. The remainder must be traced to unofficial and private individuals and agencies. The 119 bills which have not been accounted for so far were found to have originated with individual constituents in twenty cases, and with citizen organizations in ninety-nine cases. Only five of the twenty bills introduced at the behest of individuals were passed by the senate. Of these the house passed three, and one of them was vetoed, leaving a percentage of final success of 10.

PRIVATE ORGANIZATION MEASURES

The ninety-nine bills prepared by and introduced for unofficial citizen agencies form an interesting field for research. In all, sixty-four organizations were involved. Of these several were of a semi-official character, such as the Ohio State Bar Association, which sponsored six bills; the Hamilton County Bar Association, one bill; the Cuyahoga County Bar Association, three bills; the Summit County Bar Association, five bills; the Richland County Bar Association, one bill; the Lawyers' Club of Hamilton County, two bills; the State Association of Township Trustees, one bill; the County Officers' Association, one bill; and the City Engineers' Association, one bill. Others submitted bills to promote the advancement of a certain line of business or profession such as title guarantors, undertakers and embalmers, Christian Science practitioners, bus owners, furnace manufacturers, cemetery operators, building and loan associations, mausoleum operators, engineers and surveyors, contractors, architects, cosmetologists, shorthand reporters, motion picture exhibitors, medical society, apartment house owners, teachers, bankers, and filling station operators.

The railroad lobby sponsored six bills; the Hamilton County Republican Organization, one; the State Automobile Association, one; the Citizens' League of Cleveland, four; the Cleveland Chamber of Commerce, one; the Youngstown Chamber of Commerce, one; the Ohio Conservation Council, one; the Better Business Bureau of Cleveland, one; the Ohio Chamber of Commerce, four; the Cleveland Consumers' League, one; the American Legion, one; the State Police and Firemen's Association, four; the State Conference on City Planning, one; the Imperial Council of the Mystic Shrine, one; the Ohio Federation of Labor, four; the Dayton Bureau of Municipal Research, one; the Ohio Good Roads Federations, one; the Farm Bureau and Grange, three; the Brotherhood of Railroad Trainmen, two; the Humane Society of Ohio, one; the League of Women Voters, one. Some of the bills which have been classified here may belong to the group prepared by individuals. These are the ones introduced for the Morris Plan Bank of Cleveland, the Cincinnati Southern Railway, the American Insurance Union, the Cleveland *Plain Dealer*, Western Reserve University, the Youngstown Sheet and Tube Co., and the Singer Sewing Machine Co. Two bills were introduced at the suggestion of national organizations—the Russell Sage Foundation, and the National Deaf-Mutes' Association.

Of the ninety-nine bills which originated with these citizen organizations, the senate passed fifty-five. Of these the house passed only twenty-nine, two of which were vetoed by the governor. These organizations were, therefore, able to secure the enactment of 27 per cent of their bills. If all the 119 bills which originated from unofficial sources are grouped, this percentage is reduced to 24. This compares rather favorably with the percentage of success of bills originating with official sources, namely 30 per cent. The success of this privately framed legislation is much greater than that framed and introduced by the members of the assembly themselves, which it will be recalled was 8 per cent.

CITIZENS' ORGANIZATIONS IMPORTANT SPONSORS OF LEGISLATION

The facts which have been set forth suggest that citizens' organizations are becoming an important influence in the framing of state legislation. Just as political parties arose to supply a need for nominating machinery, so these unofficial organizations are springing up to supply the machinery for making the will of the people effective. It may well be that they will have to be regulated by law, just as parties have been. Steps toward this end have been taken in Ohio through the enactment of a law for the regulation of lobbyists. It is significant that in the list of 111 lobbyists registered with the secretary of state under the provisions of this statute, practically all of the organizations which were mentioned by the senators as having requested the introduction of bills were represented. It also seems significant that each of the senators interviewed stated that besides the bills he had introduced he had refused to introduce others for such organizations. If there is to be a growing tendency to shift the burden of drafting legislation to the unofficial organization which desires it, it should be possible for every bill so prepared to be presented for consideration. Perhaps it would be well to consider abandoning the fiction that the member must be the author of the bill, and frankly recognize, as Massachusetts has done, that legislation should originate with the people, permitting its submission through petitions.

MOVIES SOCIALIZED FOR TOWN'S BENEFIT

BY C. C. BAYARD

Hanover, New Hampshire, builds sidewalks, maintains shade trees, buys fire apparatus from profits of a motion picture monopoly.

Hanover, New Hampshire, is a beautiful elm-shaded college town such as can be found only in New England. Everything centers around Dartmouth College. Prior to 1922 it boasted one privately owned moving picture theatre. In that year application was made to the precinct commissioners (the built-up section of the town has a separate administrative and tax district called the precinct) for permission to open another moving picture theatre.

After investigation of the books of the established theatre the precinct commissioners were convinced that, though there were sizable profits for one theatre, both would suffer loss if a new one was admitted. They could, however, hardly refuse the applicant a license.

Faced with this situation the commissioners saw the possibility of having only one theatre in the community and devoting the profits to the benefit of the people as a whole. This meant virtually a monopoly run by the town.

Under the laws of New Hampshire the town itself could not enter the movie business. The precinct commissioners, therefore, called in twenty of Hanover's ablest business men to discuss the problem. They decided to form a corporation to take over the theatre, the profits to be used for the improvement of the town. Thus was conceived the Hanover Improvement Association, composed of twenty self-perpetuating members who elect a board of directors who in turn select a manager. The Association leased the theatre and business for five years, and have since renewed the lease for ten years.

The experiment has been remarkably successful in spite of the fact that the theatre-going section of population leaves the town in the summer. But there are peculiar elements in this case that might not be found elsewhere. The theatre business in Hanover is pretty nearly a case of perfect monopoly. It is quite ideal on both the demand and supply sides. Hanover, an isolated town, depends on itself for its social life. About the only opportunity for paid amusement is the movies and the habit of daily attendance has grown among many students. That four shows a day are put on in a town of four thousand clinches the point.

HOW PROFITS HAVE BEEN SPENT

The Hanover Improvement Association has been extremely fortunate in its members. The ablest business talent in town give their services free. It is a question whether the board of directors would include such talent if they were selected by the voting population. Furthermore, the Association has been very fortunate in its manager.

Some of the profits for the seven years the Association has been going are used to build sidewalks. The trees of the town, which contribute much to the beauty of Hanover, have been

cared for yearly. The Association has purchased three large pieces of fire equipment and has aided in building a grade school. Next year plans are being made to construct some badly needed roads. The success of the scheme in Hanover has led a near-by town to try the same plan for the construction of a town hall.

It is not all clear sailing for the talkies have introduced a new problem, but the Association has proven itself adaptable and next fall Hanover will have the talkies.

THE PROSECUTING ATTORNEY IN OHIO —AN OBSOLETE OFFICER

BY W. E. BINKLEY
Ohio Northern University

Ohio conditions surrounding the county prosecutor's office are similar to those in most states. They are no credit to the political genius of Americans. :: :: :: :: :: :: :: :: ::

THE legal qualifications of the prosecuting attorney in Ohio are merely that he must "be an attorney and counsellor-at-law duly licensed to practice in Ohio."[1] Sometimes an indifferent student of law has, after repeated attempts, passed the bar examination and been immediately elected prosecuting attorney. Cases are not unknown of young lawyers who have entered upon the duties of this, the most important county office, in the same year that they ceased to be infants as that term is used by men of their profession.

PROSECUTOR AS LEGAL ADVISER

Upon entering his office the prosecutor in Ohio finds a wide range of duties assigned to him by the statutes. In the first place he is the legal adviser of the county officers and their legal representative in all litigation to which the county is a party. It frequently happens that the rest of the county officers are not of the same political party or faction as the prosecutor. Especially embarrassing is this situation in the case of the county commissioners who frequently need legal advice. They have charge of the strictly business end of county government, and it should be possible for them at all times to turn with confidence to their legal adviser. But under the elective system the prosecutor may be their bitterest enemy plotting their ruin.

The commissioners can engage another adviser only when the prosecuting attorney in writing requests them to employ counsel to assist him in such prosecution of another county officer. The courts hold that in the absence of specific statutory provisions "the county commissioners have no power to employ special counsel to represent the county in a specific litigation, *even though such employment might be in accordance with the interests of the county.*" To such a pass has the doctrine of "a government of laws and not of men" carried us. Without in the least questioning the soundness of this judicial interpretation, we can safely

[1] Page and Adams: Annotated Code of Ohio (1912), Section 2910.

say that such a condition represents the abdication of reason and sanity in government.

It would seem that there should be a bond of intimate confidence and responsibility between the client, in this case the county commissioners, and their counsel, the county prosecutor. But one looks in vain for lines of responsibility here. One might think there was one in Section 2926 of the General Code of Ohio where the prosecuting attorney is required to give a summary of his work in an annual report to the county commissioners. The writer found that the prosecutor in one of the most populous counties in Ohio had never heard of this statute, and it is probably a dead letter throughout the state.

The prosecuting attorney is the adviser of all other county officials and county boards. The county treasurer, faced with perplexing legal problems, is frequently under the same political difficulty as the commissioners. Since he is held strictly accountable for any mistakes in his office, he may be forced to hire dependable counsel out of his own salary, and other county officers may be compelled to do likewise.

The prosecutor advises all township officers, village school boards, and the board of deputy state supervisors of elections. This last board is strictly a state organ for which the state uses the county merely as an administrative district. It would seem erroneous to make this state appointive board subject to the legal advice of a popularly elected local official.

THE PROSECUTOR AS PROSECUTOR

The second large field of duty of the county prosecutor is his obligation to prosecute all offenders against the state. Here he appears as an agent of the state to bring to justice those who offend against its will. It would not be unreasonable to expect some lines of responsibility running to the chief prosecutor of the state, the attorney general. Indeed Section 2925 of the General Code of Ohio declares that the attorney general may require of the prosecuting attorney a report of his work for the year. But the Ohio prosecuting attorney referred to above had never heard of such a statute. Apparently the attorney general never calls for a report and it is difficult to see of what practical value it would be to him if he did.

The electorate of the county manifest great interest in their commissioners, their sheriff, and their prosecuting attorney. Perhaps they are most interested in their prosecutor. By what standards do the electorate measure him? If one opens *Who's Who* and turns to the name of James A. Reed, senator from Missouri, he reads, among other things, "prosecuting attorney, Jackson Co., Missouri, 1898–1900; tried 287 cases and secured conviction in 285 of them." How often do we find a similar record advanced as the chief reason why a certain prosecutor should be reëlected or elected to some higher office? Here, at least, we, the electorate, seem to be scientific in our method. We have a system of scoring the efficiency of the prosecutor. We use, you might say, a statistical method. Mr. Reed was 99.3 per cent efficient. In his case the reward came immediately. *Who's Who* continues as follows: "Elected 'reform' Democratic mayor of Kansas City, 1900–04." A few years later he becomes United States senator. Is it surprising that Gilbertson says: "American communities reserve high political honors for the most efficient and best advertised man-hunter"?[1]

[1] Gilbertson, H. S., "Elements of the County Problem," *Annals of the American Academy of Political and Social Science*, XLVII, May, 1913, p. 13.

What becomes of justice under such circumstances? Is it too much to fear that the prosecutor is sometimes carried away by the spirit of the game, the game of man-hunting which the public stands so ready to reward with high political honors? Is there not in the following Michigan court decision a hint of what sometimes happens? "The prosecuting officer represents the public interest which can never be promoted by the conviction of the innocent. His object like that of the court should be simply justice; and he has no right to sacrifice this to any pride of professional success." [1]

THE QUESTION OF RESPONSIBILITY

Some hint has already been given of the prosecutor's "irresponsibility," the difficulty with which he can be held accountable or made responsible to any one for his official conduct. He is, as has been already indicated, a state official obligated to see that the sovereign will of the state is obeyed. But he is elected by the votes of the county, and naturally feels more obligated to them. Often he is elected as a candidate tacitly pledged to "liberal" law enforcement. To state it bluntly, he sometimes holds out to the voters the promise of nullification of state law. This is what Professor James means when he says, "He personifies the local veto power." [2]

A prosecutor who regards highly his duty to the state is sometimes severely punished by the electorate. There is the case of an Ohio prosecuting attorney who by a shrewd ruse prevented a mob from hanging a sheriff who was ready to die before he would surrender a prisoner which the mob wanted. The noose was around the sheriff's neck, the rope was strung to a lamppost, and only the success of the prosecutor in persuading the sheriff to reveal where he had concealed the prisoner saved the sheriff's life. The prosecutor, without the sheriff's knowledge, had changed the place of concealment of the prisoner, and when the mob went to the place indicated they found they had been tricked. The writer of this article was an eyewitness of this disgraceful affair, but he had his consolation in noting that while the police seemed powerless the prosecutor was busy. While he was planning and executing the stratagem by which the sheriff's life was saved and the prisoner spirited to safety, he was also collecting evidence against the would-be lynchers. And so effectively did he do this work and so vigorously did he prosecute the rioters when they were brought to trial, that the county soon had a good-sized delegation in the state penitentiary. But the sequel to this magnificent work of the prosecutor is a sad commentary on county government. Here was a prosecutor who did his duty to the state. He was a Democrat in a strongly Democratic county. In all the history of the county there had never been a Republican prosecutor. But at the next election this prosecutor, serving his first term and, of course, a candidate for a second term to which he was by tradition entitled, was overwhelmingly defeated. Two years later he was again a candidate and was again defeated. His faithfulness to duty had permanently disqualified him for the office.

NEGLECT OF DUTY ENCOURAGED

The trouble is that county government is so organized as to encourage neglect of duty to the state. Let us note, in that connection, the prosecutor's relation to the grand jury. Theoretically he is their adviser; practically he is their dictator. No doubt he is usually a benevolent dic-

[1] *Hurd* v. *People*, 25 Michigan 405.

[2] *Local Government in the United States*, p. 148.

tator, but sometimes he is not. How often do we hear of the father of a young scapegrace, who gets into trouble, hastening to the prosecutor to see what "pull" can do to save the young culprit from prosecution? If the father is a political power, the prosecutor is brought under strong pressure to shield the wrongdoer.

This "unhampered discretion" is one of the amazing features of this important office. One reads it between the lines of the statutes, and it shows forth in the court decisions relating to his duties. It is almost impossible to get a lazy prosecutor started. It sometimes requires a peremptory order from the judge. And it is just as difficult to put the brakes on an overzealous or too-officious one. He exercises broad discretion as to if, when and how he shall act.

The difficulty in getting a prosecutor to act appears from Section 2922 of the General Code of Ohio by which, when a prosecutor refuses to do so, a taxpayer may institute action to prevent misuse, actual or threatened, of county money or property or the making of an illegal contract by a county officer. This statute is a monumental proof of our inability to compel a prosecuting attorney to do his duty. In effect, this law says that if the prosecutor won't prosecute, a citizen may do it for him, and the statute concludes, with unconscious irony, "such action shall be for the benefit of the county, *as if brought by the prosecuting attorney.*"

HARD TO REMOVE

The removal of a prosecuting attorney from office is a very difficult matter. If he is merely lazy or utterly incompetent his position is simply impregnable. The method of removal is prescribed in Section 2913, General Code of Ohio. A taxpayer may file charges of "wanton and willful neglect of duty or gross misconduct in office," with the court of common pleas. There is a hearing at which evidence is presented. A prosecutor who is bad enough to be haled into court is usually bright enough not to leave any incriminating evidence available. If he is found guilty he is removed from office. If he is not found guilty, judgment for costs is given against the taxpayer who made the charges. Surely government could be reorganized in such manner as to make it easier to get rid of an incompetent prosecuting attorney.

WHAT IS THE REMEDY?

And it is to this reorganization that we shall now turn our attention. A remedy is at hand for practically every evil we have pointed out. What we need is reorganization of the office of prosecuting attorney on the basis of well-established principles of administration.

The functions of the office are too divergent, and call for a division among two or three officials. The first of these should be a prosecutor of all state cases. He could well be called, as he is in some states, the commonwealth attorney. It is the duty of the governor to see that the laws are faithfully executed. This calls for his appointment of the prosecuting attorney, who should work under a state attorney general appointed by the governor. Those who fear the overthrow of democracy by such a change should be reminded that this is precisely the organization of our federal department of justice.

Why not for once accept the "federal analogy" where it is admitted to be at its best? There is something almost awe-inspiring in the expression, "a federal case." The system results in an almost uniform administration of justice throughout the land. It is

good, not merely in spots as in the state. Local "pull" as an influence to shield wrongdoers is reduced to a minimum. The prosecutor who sends part of a lynching mob to the penitentiary need not fear that the rest of the mob will "get even with him" at the next election. He would stand in awe of no one but the governor, who appoints and may remove him, and whose duty it is to "see that the laws are faithfully executed." A coördinate reform would be the appointment of sheriffs by the governor or the substitution of a state police.

Then there should be a purely county official, perhaps designated as county counsel, who should be primarily the legal adviser of the county board and should represent them in all cases to which the county is a party. He should be appointed by the county board. Just as we cannot imagine the president of the United States appointing a legal adviser whom he cannot trust, so we could expect the county board to feel safe in taking the advice given by their own appointee.

It is a curious fact that Ohio attempted something like this in an act passed in 1904. It provided that the board of county commissioners of any county might, if it deemed it advisable, employ legal counsel and the necessary assistants, which counsel should be the legal adviser of the board of county commissioners and of various other boards named.[1] This was invalidated by a court decision which held that this attempt to authorize the appointment of legal counsel by county commissioners contravened Section 2, Article 10 of the Constitution of Ohio, which provided that county officers must be elected by the electors of their respective counties. In Ohio, as in many other states, such a reform must wait upon the development of sufficient public opinion to amend the constitution.

In order that the other county officers might accept this county attorney's advice with confidence, the county government ought to be reorganized in such a way as to bring complete harmony and confidence throughout the whole body of county officials. This could be accomplished by making the administrative officials of the county subject to the popularly elected board of commissioners, who should appoint and discharge these officials.

Under this plan the commissioners, who make many contracts, would virtually have their own legal adviser, and could be held strictly accountable to the electorate for the conduct of their office instead of "passing the buck" to the prosecutor as they do now.

[1] *97th Ohio Laws*, pp. 304–306.

DETROIT'S "BARBER SHOP" VOTE— A REPLY TO MR. JONES

WITH REJOINDER CRITICIZING PUBLICITY METHODS IN MUNICIPAL GOVERNMENT AND SUGGESTING A REMEDY

BY WILLIAM P. LOVETT
Executive Secretary, Detroit Citizens' League

REJOINDER BY HOWARD P. JONES
Public Relations Secretary, National Municipal League

HOWARD P. JONES' article in the June REVIEW, analyzing campaign publicity used prior to defeat of Detroit's rapid transit proposal by the people, April 1, nicely pictures our situation. The article might be amplified with a few facts of further information and analysis, plus a conclusion by a Detroiter of the sort that Mr. Jones naturally declines to offer: it is the stay-at-home vote, the so-called intelligent but generally inert majority, which constitutes the greatest liability on American cities.

RESULT OF ELECTION DID NOT MIRROR OPINION

"*Public opinion is made in the barber shops of Detroit.*" This quotation from the campaign publicity of the opposition to rapid transit, as an explanation of the result April 1, is not even a good half-truth. It was "barber shop opinion" which *registered* against the rapid transit plan. The plan was defeated by a vote of 90,439 to 35,416. Detroit had registered prior to April 1 more than 400,000 voters, all of whom had registered subsequent to July 1, 1928.

The grand total of all votes cast April 1 was less than 126,000. The barber shop vote was less than one-fourth of the total possible vote in Detroit. Where were the rest? *It was a case of the inert majority overcome by an effective minority.*

Mr. Jones quotes the so-called "Committee of Fifty-one," which believes that it was responsible for defeat of the rapid transit plan. So far as Detroit is concerned nobody knows who are the Committee of Fifty-one. Its chairman, H. A. Starret, for ten years has been a voice in opposition to every progressive movement of consequence adopted by Detroit during the decade of the present strong-mayor, small-council charter. But Mr. Starret refuses to disclose the names of any of his associates in the committee. Even in Detroit it is an absolutely secret organization, representing a conglomeration of small neighborhood groups on the fringe of the city, including small retailers and no doubt hundreds of barber shop operators, whose publicity made its appeal effectively to *hoi polloi* as against the paid advertising and press articles of the Rapid Transit Committee and downtown business groups.

Ordinarily Detroit has two elections, with a preceding primary, each year. The spring election universally brings out only a light vote for the selection of judicial and school board officials principally, and some minor state officers. Evidently the rapid transit proponents blundered in submitting the question at the spring election. Their blunder consisted of reposing faith in the majority of citizens who, it was believed, would come out and vote

on so important a question as rapid transit, and would be more likely to cast an intelligent ballot if the question were not confused by other issues and numerous candidates at the fall elections. Besides voting on rapid transit the people elected four of the seven members of the city board of education and also chose judges in the circuit court, recorder's court and justice court to the number of nearly thirty.

ONE-FOURTH VOTED

It is evident that the election was of outstanding purpose when viewed intelligently and should have made a broad appeal to the entire city instead of bringing to the polls about one-fourth of the qualified electors.

Murray Seasongood, mayor of Cincinnati, on a recent visit to Detroit, expressed amazement at our lack of appreciation of our municipal privileges, opportunities and governmental freedom. He noted our honest election system, our actual rather than nominal nonpartisanship in city government, freedom from dictation by private corporation interests, a state home-rule system which grants full liberty to all municipalities, and particularly our freedom from domination by political machines or other organizations of bipartisan or even nonpartisan character. Political campaign organization in Detroit is almost entirely a matter of personal following, popularity, press publicity, and the like.

It is evident that Detroit should enjoy its happy situation as a real democracy. But the election of April 1, including choice of important public officials, as well as a decision on a rapid transit plan involving about $100,000,000, in the first instance, puts a terrific strain on the optimism of the municipal idealist. Regardless of the merits of the transit plan submitted, the result suggests Carlyle's reported comment as to the people of England: "Thirty millions, mostly fools."

"Passing the buck" is the general charge of the average citizen against men in public office. But the fact is that the majority of citizens who are taxpayers as well as voters set the example in evading responsibility when they ignore important elections because they happen to be more interested in their golf score, bridge game or the latest moving picture sensation.

HOW CAN THE VOTERS BE REACHED?

Mr. Jones has started something. The man who can finish what he has started has yet to arise as a discoverer or inventor of any publicity method which will convey adequately to the voters enough facts, with sufficient interest, to get adequate expression of real public opinion from at least a majority of the qualified voting population.

Surely Detroit is made up, as Mr. Jones says, of a miscellaneous, cosmopolitan population. The results do not show, however, that Detroit was dominated April 1 by "overalled figures, men wearing sweaty blue shirts or coarse flannel jackets, women cooking over hot stoves, men shovelling, men pulling levers, men turning cranks, men oiling machinery," except as these types *and others* chose to express themselves at the polls. There is plenty of evidence to show that the inert majority included as many of the common people as of the so-called upper or intelligent classes. It just happened that in a light vote, which should have been anticipated, thousands who were opposed went to the polls, and those who were in favor of rapid transit simply did not care enough about it or about the important public positions to be filled to cast any ballots whatever.

This is the real problem: reaching the

average man, and reaching his emotional interest as well as his intelligence, in such a way as to make him a voting citizen rather than a slacker. So long as this problem remains without solution every voting unit in America will show a good many cases of April Fool elections.

ADD PROFESSIONAL PUBLICITY OFFICIAL TO LIST OF MUNICIPAL EXECUTIVES

BY HOWARD P. JONES

Mr. Lovett has raised an interesting question. How can the average man be reached with governmental facts?

If we look to the "stay-at-home" vote, not only is it necessary that we reach these people, but reach them in such a way as to force them to act.

A writer of advertising copy is likely to toss a well-written advertisement into the waste basket unless it accomplishes three things: first, it must command attention; second, it must create a desire; third, it must stimulate the reader to action.

ADVERTISERS HAVE A SIMILAR PROBLEM

Reaching the "stay-at-home" voter is the attempt to do a similar job, though for a different purpose. But in doing a similar job, similar methods may be employed. Political scientists can take a page from the book of the advertising man when it comes to using simple and direct methods of publicity. We do not have to go so far, perhaps, as to put pictures of beautiful girls on the covers of governmental documents, but it must be admitted that the latter would attract far more attention, so designed.

Let's see specifically what we are up against in this matter of reaching the "slacker" voter, as he has been called. Is it simply the necessity of beating into his hide his duty as an American citizen? After all, why does a citizen stay away from the polls? Thoughtlessness, undoubtedly, in many instances. But, in general, is it not because *he would not know how to vote if he went?*

If we are to accept this, the problem then becomes not one of flaying the citizen for his neglect of duty, but one of discovering the reasons why he does not know how to vote, and having ascertained these reasons, of figuring out a solution—just as the advertising man decides why the public is not buying a certain product and proceeds to meet the objections. It is a simple matter to throw such considerations out of the window, but we can't solve our problem by avoiding it.

It seems a reasonable conclusion that the lack of interest on the part of the voter in public affairs is due not primarily to lack of desire to do his duty, but to a lack of information as to what his duty is, or as to how to perform it even if he knows.

All of which probably is an academic way of saying that the voter must be reached by getting information to him that will interest him.

The advertising man knows how to do this, the playwright knows how, the newspaper editor knows how—the issue must be simplified by dramatization! It would be possible herein to outline specifically a publicity campaign

making use of all existing media for this purpose, but any set formula might fail to apply in a given case, since there is nothing more variable than human opinion and the ways in which it is influenced.

Let us rather attempt to suggest lines of thought along which the problem of the non-voter may be solved, rather than to essay the impossible in an effort to find a stated panacea.

I am not one to say that there is a solution to our problem. Perhaps democracy as usually pictured must fail because governmental problems are, first of all, too complex for the average voter to understand; and, second, so uninteresting that he wouldn't try to understand them if he could. Perhaps we are in a cañon from which there is no exit but the way we came in. I do not know. What I do know is that here is a possibility—a path that has never been followed, and that, if there is a way out, this has as good a chance of being the route as anything else. At any rate, let's investigate it for a moment.

There are two distinct angles from which this matter of publicity must be approached: first, from that of existing city government; second, from that of its opponents. We need to worry about the difficulty an efficient city government has in convincing the voter of its efficiency and thereby obtaining his support, for we will admit that most political campaigns are fought upon bogus issues. We need also to worry about the difficulty that opponents of an inefficient city government have in obtaining the facts about that government and getting them across to the electorate. And we can't forget the misuse of the power of publicity by the politician. He already knows what we've been talking about, and for a long time has been putting his hand into the advertising man's bag of tricks. One serious snag in the way of an intelligent solution to the whole problem is, of course, the difficulty of safeguarding the public interests on both sides of the fence; but let's forget that for the moment.

A PERMANENT PUBLICITY DEPARTMENT FOR GOVERNMENT

Look, instead, at the need of the existing city government with regard to publicity—is it not to give the average citizen the facts of administration in a clear and comprehensible manner? The same need exists in every business today. There is no reason why the public business should be an exception. In order to get those facts across, there is as much necessity of continuing publicity as in the case of a commercial product. Spasmodic efforts are largely wasted.

Why, then, does not the municipal business do about the matter just what private business has done—in other words, establish a permanent publicity department? Such a department headed by a director, or consisting of simply a director and one or two assistants, could act as a mediator between the administration and the public. The department could study the facts of administration and present these facts in simplified form for the public to digest.

Such a department should be a great asset to a community. One of the most common complaints heard concerning governments is the difficulty of getting information about them. The publicity department would have as its job to provide all such information to keep the citizen informed on current developments.

Of course, the obvious argument against this practice would be that politicians would quickly seize upon it with exclamations of delight and abuse it to further their own interests. Prop-

er safeguards, however, as to qualifications for the office and specifications concerning the term of office, could be erected just as they are erected about the city manager in that type of municipal government. Certainly its advantages, at least from an experimental standpoint, greatly outweigh its disadvantages. The publicity director, trained in ways and means of reaching the public mind, could readily become sufficiently expert in municipal administration to understand its operation and interpret the significant facts to the public. From the cities' point of view, for example, the merits of any controversy could be quickly sketched for the newspapers. Furthermore, the information would be continuing.

Now look at our problem from the opposite point of view, that of the outsider wishing to get facts about inefficient or corrupt administration. It seems not impossible for a tradition to be built up around the office of publicity director that would exclude the publication of inaccurate information. In fact, that tradition would have to be established if the publicity director were to carry out his function as suggested here; otherwise the office would be of doubtful value. The legislation creating the office might cover this point, as well as that of requiring the director to supply, on request, information concerning statistical facts of the administration to representatives of taxpayers' groups.

Perhaps the reason this suggestion has not been brought forth seriously by public officials is their fear of the resentment such a move might create among taxpayers. Waste of money! The idea of paying taxes for a department which would have as its chief business the creation of favorable publicity so that existing officials might keep their jobs! Such reactions as these would inevitably result, they point out, and no effective counter-argument exists.

POLITICIANS WILL NOT WELCOME THE IDEA

As a matter of fact, is that the situation? Isn't there an effective counter-argument? Haven't the politicians turned over the loaf of bread to find the spear underneath? Haven't they seen that any recognition of the fact that the public has a current right to governmental information must inevitably hamper them in their activities in the twilight zone of patronage, favoritism, "legal" graft, and the rest? Haven't they deliberately overlooked the fact that the public would unquestionably welcome a public official whose job would be to act as an information bureau, a liaison officer between the taxpayer and the complications of the administrative machinery?

While it is unquestionably true that this official, if the appointment were political and the term of office at the mercy of the appointing power, would be responsive to pressure from above, need this criticism hold if the appointment were made by an administrative officer, the city manager, for instance? Or the position might be one of the higher posts under the merit system. Here again the politician scents danger. To have an official, wielding so much power as a publicity director, considering primarily the administrative rather than the political aspects of information, smacks too much of strengthening the administrative machinery at the expense of the spoilsmen. Credit might be too apt to go where credit was due.

Numerous other considerations might be brought up at this point, but there is not space here to go into them. Suffice it to suggest in conclusion, that

if there is any way in which to solve the problem of the "stay-at-home" vote, it lies in following methods of those who for years have stirred people to action by means of well-keyed and continuing publicity. The term "well-keyed" involves, first, the commanding of attention and interest; second, the creation of a desire; and third, the impulse to action. The word "continuing" implies some sort of permanent officer or department whose job it is to make government interesting to the people.

I have left wide open the part the politician may play other than to suggest possible safeguards of law and tradition. It is therefore a simple matter to sweep aside the entire suggestion on the broad ground of "impracticability." However, it is worth considering that matters could hardly be much worse than they are, from the standpoint of the control of governmental publicity by the politicians. It is worth remembering that campaigns which are decided upon their real issues are now almost legendary. The politician has never been without his megaphone—the business-like administration has never had one. The experiment, then, although acknowledgedly dealing with combustibles, should be sufficiently interesting and worth while for some progressive municipality to make.

RECENT BOOKS REVIEWED

GOVERNMENTAL PURCHASING. By Russell Forbes. New York: Harper and Brothers, 1929. Pp. 370.

A few years ago a Japanese editor reminded me of Bryce's statement that a great improvement had taken place in American municipal government during the twenty-five years following the publication of the *American Commonwealth*, and then asked me point-blank to explain how that improvement had been brought about. In particular, he wished to have the names of a few outstanding personalities associated with that advance—national figures of dramatic quality. In spite of the perdurance of great scandals, improvement had occurred in many directions, but so far as I knew no American student of government had ever gone deeply into the details of the process. Hence I could only guess at the answers to the Oriental questions. On reflection I could think of no "national figures of dramatic quality" associated with the development. In a democracy it is the work of unknown hundreds, not the front-stage gestures of heroic actors, that accomplishes fundamental results. For one thing, however, the area of technology in government has widened, forcing the application of scientific standards; not even Jovial Jimmie Walker would appoint a paving rammer to the office of chief bacteriologist in the department of water supply. It simply cannot be done. In the second place, the area of semi-technical operations is being widened by research and the establishment of standard methods in new fields. Herein lies our best hope: standards must be evolved and citizens must be informed of their existence. Undoubtedly we are on our way. The extent of the revolution in American thinking about government can be gauged by comparing the books and magazines dealing with the subject thirty years ago with the books and magazines now available for the training of students and practitioners.

In this relation, it seems to me, lies the significance of such books as this new volume by Mr. Forbes. It is not a "good government" book. It is a technical work, recording progress in a technical field, generalizing results, and foretelling lines of advance. It shows how to institutionalize correct procedures in an important department of governmental operations—the purchase of supplies—a department that disposes of from 20 to 30 per cent of the public revenues. It is not a theoretical book for democratic theoreticians. It has grown out of the practical experience and detailed researches of the author and is directed to officials charged with purchasing responsibilities and to citizens who would like to put their shoulders against something more substantial than fog. It will furnish no nutriment for our genial compatriots who take pleasure in Mr. Mencken's delightful outbursts of righteous indignation.

Mr. Forbes opens with a general introduction. He reviews the advantages and shortcomings of centralized purchasing. He then surveys the historical development and present status of the purchasing methods employed by federal, state, and local governments in the United States and Canada (the latter briefly). This out of the way, Mr. Forbes gets down to the technical aspects of day-to-day operation: the administration of the purchasing office, standardization of supplies for purchase, the determination of purchase requirements, purchasing negotiations, contracts and orders, inspection and testing, storage and stock control, and finally accounting control. The whole is crowned by an appendix of useful illustrative documents. The method of construction is a combination of actual description and ideal conception—what is, what may be, what should be. The result is a valuable contribution to the steadily growing understanding of technical possibilities in government. The circle of its influence will widen with the popularization and distribution of useful knowledge.

CHARLES A. BEARD.

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PHYSICAL CONDITIONS AND PUBLIC SERVICES. Volume VIII, Regional Survey of New York and Its Environs. By Harold M. Lewis and others. New York, 1929. Pp. 209.

This is the final report of the survey of the metropolitan area of New York, the survey which has culminated in the monumental plan so ably discussed by Arthur C. Comey in the NATIONAL MUNICIPAL REVIEW for July. Somewhat more than the title implies is contained in the present

report. In addition to surveys of geographical and climatic conditions, and several public services, the book reviews planning in the region and gives the concluding observations of Thomas Adams, the general director, on the regional survey.

"Informative" seems an inadequate word to describe the material presented in the report. It is packed with information but information expressed in Brobdingnagian terms. There may be only as many kinds of physical conditions and no more types of public services than would be discussed in a report on a much smaller area but the vastness of territory, millions of population, tremendous quantities, and huge sums of money seem to place the report among the encyclopedias.

Part I describes geographical and climatic conditions. The section devoted to geography shows the effect of these physical conditions on the development of Manhattan and the region. Section two of Part I describes climate, not omitting to recognize that laymen frequently refer to the high, prevalent humidity and that there is little of scientific data to support them. While the report is not entirely clear on the relation of climate in the region to development, one gathers that it is no obstacle.

The second part describes water supply and sewerage problems. Existing facilities in the region are first reviewed, the development of comprehensive systems is then discussed, and finally the future regional requirements are presented. Part III is devoted to problems of refuse disposal and oil pollution of harbor waters. The fourth part comprehensively surveys power, light, and other supply services, not forgetting superpower and its probable effect on decentralization. In this part is the discussion of the supply and distribution of commodities including food and building materials. The distribution and site requirements of hospitals and prisons form the subject of the fifth part which completes the discussion of public services. Surveys of other public services have been previously reported.

Parts VI and VII are devoted to planning. The first of these is an interesting review of the history of planning in the New York region. In Part VII the limits and difficulties of the regional survey and the problems requiring further investigation are described. Also, the report here points out the continuing character of legal and public relations work and shows that there is need, and hope, for more spacious forms of development.

The make-up of the volume, the printing, binding, and arrangement of material are pleasing and the book is beautifully illustrated. There is a summary at the beginning which gives the outstanding facts revealed by the investigation. It is a worthy presentation of a fine piece of work.

One is inclined to reverse the usual order and exclaim, "Farewell—Hail"! The regional survey is complete but the plan emerges.

C. A. Howland.

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An Introduction to Contemporary Civilization in the West: A Syllabus, Seventh Edition. By Columbia College Associates in Economics, Government and Public Law, History, and Philosophy. New York: Columbia University Press, 1928. Pp. xxv, 330.

The Columbia College survey course in the social sciences required of all freshmen is now rounding out its tenth year. The fact that the present syllabus is the seventh edition indicates that the charge of rigidity and routine that is so often and justly made against college courses can not be maintained against this one. Probably more time and labor have been devoted to the organization and presentation of this course than to any other single course in any college. In the reviewer's opinion, this time and effort have produced excellent results. Continuous improvement can be noted in each succeeding edition of the syllabus.

The present syllabus illustrates the great advantages that can be derived from the coöperation of students trained in separate fields when they are induced to pool their resources and forget, for the time being at least, that the study of economics, history, politics, or philosophy is the only thing that matters after all. It has been wisely said that the philosophy of any department of learning depends upon its connection with other departments and must be sought in their points of contact. It is upon this sound principle that this course has been organized.

That the course in contemporary civilization has met with enviable success is indicated by the fact that the faculty of Columbia College recently decided to extend the course to two full years. This change has allowed a much fuller treatment of the historical background of contemporary life. The present syllabus is entirely devoted to the work of the first year.

The syllabus is divided into seven major sections: Introduction; Western Civilization in the Middle Ages; Western Civilization from the Middle Ages to the Seventeenth Century; Western Civilization in the Seventeenth and Eighteenth Centuries; Western Civilization in Europe in the Late Eighteenth and Nineteenth Centuries; Western Civilization in the United States, 1783 to 1865; and the Contemporary Scene, 1871 to 1928. The first six sections are studied during the first half year. To the last one the whole of the second half year is devoted. From the foregoing it is evident that the treatment of the course is historical. But it is history far removed from the usual sort. Special emphasis is properly placed on philosophical or intellectual history and on the basic economic factors that so largely determine the conditions under which people live.

One of the greatest difficulties in conducting a course that draws material from history, economics, politics, and philosophy, and even from the natural sciences, and attempts to fuse this into a well-organized whole is that of securing adequate readings. Existing textbooks seldom fit into this scheme of things. This difficulty has been met at Columbia by writing books that cover the material needed and by introducing into the syllabus itself brief but excellent sections of explanatory material.

E. D. Graper.

University of Pittsburgh.

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Report of the Tax Commission of North Carolina, 1928. Pp. 792.

This thorough and exceedingly comprehensive report on the North Carolina tax situation embodies a series of surveys covering the following subjects: the taxation of agriculture; the taxation of city real estate; the taxation of public service corporations; the taxation of intangible personal property; the taxation of banks; tax administration and tax delinquency; the inheritance and estates tax; the income tax; the taxation of highway advertising signs; tax levies and indebtedness, 1928—state and local; comparative burdens of taxation.

The Commission does not find the tax system of the state defective in any really important respects. It does issue certain warnings and suggests some changes. It believes, for example, that the state cannot with safety increase the tax burden upon business and industry by further taxes levied either by the state or local units of government. It likewise expresses concern over the burden of the property tax. With the hope of bringing about a material reduction in this tax, the Commission recommends that the state highway commission take over the maintenance of county highways and that an addition should be made to the gasoline tax which would be sufficient to maintain the larger system. Recognizing also that the public school system imposes a heavy burden on the property tax, the Commission advises an investigation of the operation of the school system with the idea of securing more economical and efficient methods throughout the entire public school system.

Other recommendations of the Commission include a genuine revaluation of property every four years; utilization by the counties of the valuations of the state board of equalization; the listing of taxes by mail; the amendment of the county government laws and the municipal finance act to prohibit bond issues for any purpose without submission to a vote of the people; a larger staff for the department of revenue in order to maintain income tax collection on a high level of efficiency; finally, the consideration of an amendment that would vest in the sound discretion of the general assembly the authority to adopt at any time such reasonable classification of any particular class of property as it may find to be just and in the interest of a complete and orderly enforcement and administration of the tax laws.

The real meat of this report is not to be found in the general findings and recommendations, but in the special studies and investigation. Students of the rural problem will find a valuable repository of data in the study on the taxation of agriculture. With the aid of field agents and competent enumerators, the Commission studied 1572 farms, and urges better methods of assessing and appraising farm property. While much has been written on the farm problem in the United States, substantial facts such as are set forth in this study of the situation in North Carolina have not been available. Another section of the report deserving of special commendation is the part dealing with the taxation of public service corporations. While more theoretical and academic than the other studies, it presents a careful analysis of the entire field of public utility taxation in North Carolina.

In the preparation of this report, the Tax

Commission had the assistance and coöperation of a distinguished corps of experts and specialists. The survey on the taxation of agriculture was prepared under the direction of Dr. G. W. Forster, professor of agricultural economics, North Carolina College of Agriculture and Engineering. Dr. Clarence Heer prepared the study on the taxation of public service corporations. Professor J. B. Woosley made the survey on the taxation of banks. Others who gave valuable assistance in the preparation of special studies include Professor C. P. Spruill, Jr., Dr. Roy G. Blakey, Mr. L. R. Gottlieb, Professor Albert S. Keister, and members of the Institute for Research in Social Science of the University of North Carolina.

MARTIN L. FAUST.

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MUNICIPAL REPORTS

PLYMOUTH, MICHIGAN. *First Annual Report under Commission-Manager Government for Year Ending December 31, 1928. Adolph J. Koenig, City Manager.* 35 pp.

For a first report this little publication surpasses those of many other cities which have been issuing annual reports for years. The treatment accorded the various activities indicates a well-balanced appreciation of the work involved in the management of a small municipality. The allotment of space is as follows: historical sketch, two pages; a brief review, five pages; the commission, two pages; financial review, three pages; public improvement program, four pages; public works department, two pages; one page each to the water, assessment, police, fire, public health, and legal departments; and, the treasurer's statements, four pages. The weak points in this otherwise very good report are: the lack of emphasis on important facts; and absence of charts and graphs, a table of contents, comparative data, and an organization chart.

ROANOKE, VIRGINIA. *Annual Report for Fiscal Year Ending December 31, 1928. W. P. Hunter, City Manager.* 95 pp.

This is the second annual report of this city reviewed in these columns, and it is gratifying to observe a distinct improvement in this report over the previous issue. However, there still remains much to be done in order to place it among the outstanding reports of the year. To begin with, the size of 8½ x 11 inches makes it inconvenient to file with similar reports published in the usual size of 6 x 9 inches. Other characteristics which tend to decrease its effectiveness are: scarcity of illustrative material, lack of an organization chart, lack of comparative data, and failure to emphasize the more significant facts. The features worthy of special commendation are: letter of transmittal which includes a paragraph on "suggestions for consideration," and the balance as between activities maintained in the content.

SYRACUSE, NEW YORK. *Annual Report for the Year 1928. Charles G. Hanna, Mayor.* 64 pp.

This report, prepared with the coöperation of the officials of the School of Citizenship and Public Affairs of Syracuse University, is in several respects quite unique. To name only one: it does more than report the work done and money spent, for it affords a means of offering suggestions for improving the services of the city. This latter is done by inserting "suggestion cards" which may be returned to the complaint bureau by the citizens receiving the report. The classification of their responses will be immensely interesting and may be significant.

The report opens with a letter of transmittal by the mayor, followed by two and a half pages of "Accomplishments of 1928" and one-half page of "Needs of the Near Future." A few pages are then devoted to the common council, city clerk, civil service commission, bureau of elections, and the like, previous to the reports of the several administrative departments.

The cover page carries the title, "Story of the Year." In the opinion of the reviewer this nomenclature is of doubtful value. Presumably this title is intended to lure disinterested people into opening the report merely out of curiosity. Even though some are led to a perusal of the report by means of this catch title, can they be fooled by it another year? It would seem a more sound practice to label a report a report, and make the context so interesting that its appearance each year would merit a wide and sympathetic reading.

It is not at all easy to criticize this report, for it reaches a high standard in report writing. It abounds with novel features. There is not likely to be a better report issued this year, and for this reason the reviewer strongly urges everyone interested in public reporting to get a copy.

CLARENCE E. RIDLEY.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY E. A. CRANDALL

Survey of the Purchasing and Stores Department, County of Los Angeles.—By the Bureau of Efficiency of the County of Los Angeles, 1928. 139 pp. (mimeographed). A report to the county board of supervisors. The study is based upon scientific principles of purchasing, well known to successful business. Centralization, personnel, records and equipment, coördination and coöperation, organization and management, buying, standards and specifications, ethics, relation to selling public and accomplishment are the nine general subjects considered.

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Traffic Courts and Violations Bureaus.—By the National Safety Council, 1929. 37 pp. Suggestions prepared in harmony with the recommendations of the report of the committee on enforcement of the National Conference on Street and Highway Safety. The information was obtained from officials in more than 150 cities and from traffic violations bureaus and published articles and documents.

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India in 1927–28.—By J. Coatman, director of public information of the government of India, Calcutta, 1928. 461 pp. A detailed report prepared for presentation to parliament.

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A Survey of the General Civic Conditions of Colorado Cities.—By the Colorado Municipal League, June, 1929. 41 pp. Statistics covering cities with a population of 2,000 or more. Elections, taxes and assessed valuation, street lighting, water works, vital statistics, libraries, parks, police and fire departments and public works are among the activities considered.

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A Playground Handbook for Chamber of Commerce Executives.—By the Civic Development Department of the Chamber of Commerce of the United States, July, 1929. 72 pp. A pamphlet prepared to encourage a comprehensive playground system and to set forth a successful procedure for obtaining such a system. It includes also important factors in design and equipment.

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The Cost of Government, City of Detroit, 1929–1930.—By the Detroit Bureau of Governmental Research. 20 pp. (*Public Business*, vol. 4, no. 14, July 15, 1929.) A thoroughgoing summary analysis of the budget of Detroit for 1929–1930. Under the heading of "Your Tax Dollar" are presented the various percentages of the public revenues devoted to different specific purposes. There follow analytical tabulations of expenditures by all bureaus and departments.

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Classification Plan for the Classified Civil Service of the State of Maryland.—By the State Employment Commission of Maryland, Oliver C. Short, commissioner. 271 pp. A complete and detailed classification of all positions in the classified service of Maryland. Each position is listed by title, and treated under the following heads: duties (general), examples (of duties), and qualifications. In four appendices the positions are listed alphabetically, schematically, and by departments. The departmental listings give the number of positions of each class in each department and the various departments in which the positions occur.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

New York Investigation of Public Utility Regulation.—In the May number of this department, we announced that the New York state legislature had passed a bill, signed by the governor, for the creation of a commission to investigate public utility regulation in the state, and to report to the legislature any changes in the law that may appear desirable.

The commission consists of nine members,—three from the senate, three from the assembly, and three appointed by Governor Roosevelt. The senate members are: Senators John Knight, president of the senate, Warren T. Thayer, chairman of senate public service committee, and William J. Hickey. The assembly members are: Joseph A. McGinnies, speaker of the house, Russell G. Dunmore, majority leader, and Horace M. Stone. The appointments by the governor are: Messrs. Frank P. Walsh, James C. Bonbright, and David C. Adie.

Public interest has centered in the membership of the commission. All the legislative members are well known in New York, especially Senator Knight and Speaker McGinnies. Among the governor's appointees, Frank P. Walsh has been a well-known public figure for many years. He has been known especially as co-chairman, with former President Taft, of the War Labor Board, and as chairman of the industrial relations commission. Professor Bonbright has lectured for a number of years at Columbia University on public utilities; he has written extensively on the subject of valuation, and is a well-known economic authority in the field of regulation. Mr. Adie is executive secretary of the Council of Social Agencies of Buffalo, and was the governor's choice last winter as an independent Republican for membership of the New York State Public Service Commission.

This personnel fully assures a broad-gauged investigation, conducted from the public standpoint, along the lines desired by those who had sponsored the inquiry. The commission, during the early summer, organized and laid out a program. Its expressed purpose is to examine every important phase of regulation, collect evidence as to how it has worked, determine what defects have been experienced, and report a constructive program to the legislature. The scope of the inquiry will include, especially, valuation and rate-making, standards of inspection and service, the issuance of securities, and the problem of the holding company. Its object, as to each phase of the inquiry, is to determine just what the facts are, and what improvements should be made in the interest of the public.

The expectations of a thoroughgoing job from the public standpoint have been further supported by the appointment of counsel to the commission and of experts to assist in the collection and analysis of data. Col. William J. Donovan, former assistant attorney general of the United States, has been selected as counsel. He has publicly expressed the determination to make this a scientific inquiry,—to bring out all the facts from every important angle, and to make much practical recommendations as will make regulation a more satisfactory instrument of public policy in the state. His independence, impartiality, and practical judgment give assurance that this program will be carried out.

As to technical experts, the selection has included Dr. W. E. Mosher, director of the School of Citizenship of Syracuse University, and the editor of this department. During the past two years, Dr. Mosher made an extensive study of public utility regulation, especially with respect to electric power, and has just published the results in "Electrical Utilities—The Crisis in Public Control" (Harper & Brothers). Dr. Mosher thus brings to his position with the commission detailed knowledge and a broad grasp of the subject. His ideas, in the main, are in accord with those expressed in this department during recent years. His appointment and that of the editor make certain that technical data will be correctly presented, and public points of view fully expressed. Whether their ideas may prove acceptable in the legislative program as finally recommended is, of course, a matter that cannot be decided until all phases of the investigation have been fully presented, analyzed, and determined. The organization of the com-

mission, the program adopted and the personnel furnish every safeguard that the job will be nonpartisan, conducted upon scientific and high public standards.

The investigation will, of course, be followed with great interest by students of public utilities all over the country. The work of this commission will serve, in a large measure, as a standard for reconstruction wherever dissatisfaction is felt with present regulation. Everyone interested in effective and sound regulation is, moreover, seriously invited to submit criticisms and constructive suggestions. All relevant opinions and data will be placed before the commission, and will receive full consideration in the final adoption of a legislative program.

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Public Interest in Regulation.—Increasing interest in public utility regulation is shown by the special investigation just described. New York was one of the first two states to establish (1907) a positive system of regulation. It happens to be the first to undertake a thorough "stock-taking," to find how the system has worked, what defects have developed, and what improvements are needed, after a period of over twenty years of experience.

Recent years have witnessed increasing criticism of existing public utility regulation. There has been growing realization that the system has not worked as satisfactorily as had been expected; that there are basic defects that should be remedied, in the interest of desirable public policy. The widening scope of criticism has appeared not only in economic and public journals, but also in public discussions, and in measures offered before the state legislatures. During this summer, for example, in the northwest, public utility regulation had a large part in the program at the annual meeting of the League of Minnesota Municipalities, at Austin, Minnesota. The program included a general conference on municipal utilities; a paper on present-day issues in public utility regulation, by Martin P. Glaeser, professor of economics, University of Wisconsin; "Franchises and Contracts," by Frederic B. Garver, professor of economics, University of Minnesota; a discussion of present and possible future of municipal ownership of electric plants, by Edward T. Morehouse, managing editor, *Journal of Land and Public Utility Economics*, Northwestern University, Chicago; and a paper by R. F. Pack, vice-president and general manager, Northern States Power Company, Minneapolis, on rate-making relationships of public utility corporations to municipalities.

During July, in the northeast, at the New Hampshire State University, Durham, New Hampshire, under the auspices of the League of Women Voters, there was an all-day round-table discussion on water power and regulation, presided over by Mrs. Harris T. Baldwin, chairman of the living costs committee of the National League of Women Voters, including Commissioner Goldberg, of the Massachusetts commission, among the principal speakers. There was also an evening program, devoted to present policies and methods of public utility regulation. The editor of this department was the first speaker. He emphasized particularly the lack of a definite "yardstick" to measure rates and to eliminate the conflict of interests in the ratemaking procedure. The side of the utilities was presented by Mr. Walter S. Wyman, president of the New England Public Service Company.

In the southeast, on July 30 in Atlanta, there was a meeting of mayors and municipal officers, who organized the "Municipal Utilities Rate Association of Georgia," to obtain more effective representation of the public in utility cases. The immediate objective is to oppose the extension of the "service charge" in that state, and to obtain fundamental reconsideration of that subject, in so far as that form of rate had already been approved by the public service commission in a number of municipalities in Georgia. The meeting had been called by Mayor Bell of Augusta. The chairman of the new association is William R. Lester, member of the city council of Augusta.

The purpose of this new municipal organization, however, is much broader than simply to oppose the service charge. It will be interested in bringing about more satisfactory regulation from the public standpoint. It is seeking to obtain a survey of regulation in Georgia along the same line as already provided for in New York. A resolution to that end had been introduced in the Georgia senate by Senator Felix G. Williams, following practically the New York resolution. The Municipal Utilities Rate Association is supporting this bill, and hopes to bring about its adoption by both houses of the legislature, with the signature by the governor.

In other states, critical and constructive inter-

est in public utility regulation has emerged. The Leagues of Women Voters in most states have launched active programs of study. This includes public discussions by available authorities, and will be based, principally, on a prepared course outlined by the National League committee, supplemented by the leading economic works on the subject. Various other public organizations, many students, and public officials are devoting increasing attention to public utility regulation. The signs are plentiful that this important field of governmental activity will be reconstructed along lines much more satisfactory than the system which now generally prevails.

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Bigger,—and Better Holding Companies?—During June, announcements were made and rumors set afloat with respect to a huge New York state power merger. This involved J. P. Morgan & Co. and its previously organized United Corporation. It includes the consolidation of virtually all the power interests throughout the upper and central part of the state.

The new agency of consolidation is the Niagara Hudson Power Corporation. It brings together, through exchange of stock, the Buffalo, Niagara and Eastern Power Corporation, the Northwestern Power Corporation, and the Mohawk Hudson Power Corporation, together with the many subsidiaries of each of these major companies. The combined book value of all the properties is said to amount to $565,000,000. The merger will bring about a wide hook-up of present electric properties—and reports say that it will lead to a connection with New York City, where all the electric companies have already been brought under a single control.

This huge consolidation under the auspices of J. P. Morgan & Co. raises, of course, grave questions of legal and economic policy. This vast unification of control has been brought about with little or no direct consideration of public interest, at least so far as the public service commission and other public authorities are concerned. Whatever possibilities of public good or harm there may be in the merger, this is a factor that has not been directly weighed by any public authority. Here is one of the serious gaps in the present public service commissions law, which, doubtless, will be fully explored by the legislative investigating commission, and will be more adequately provided for through revised legislation.

As to economic policy, there can hardly be any doubt that greater efficiency and public advantages can be attained through this huge consolidation. It will bring about not only a common capital development and a better utilization of facilities, but will produce a better demand and load factor for all of the properties; will make attainable a higher-grade management throughout, and will make feasible a policy of combined construction, purchase of materials, and financing. Thus there are vast possibilities of economy which may, to a large extent, be passed on to the public in reduced rates and better service.

Here again, however, is the difficulty in our present system of regulation. There is no direct assurance that any of the economies available and achieved through this larger organization will be passed on to the public within a reasonable period in the future. The huge system will, indeed, be in a stronger position to head off rate reductions than would the smaller individual units. It is not, of course, our intention even to insinuate that the new consolidation will be used against the consumers. On the contrary, we believe that under responsible financial heads it will probably serve the public better than would the smaller independent properties.

Our system of regulation, however, should make sufficient provisions to protect the public interest in connection with any consolidation and merger. If larger economic units are desirable because of greater efficiency, then more effective public organization is necessary to preserve the public rights in harmony with the greater economic power centered in a single management.

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Worry for the Consumer?—We have had an inquiry from Clinton, Iowa, about "rules and regulations regarding electric and gas service." The inquirer says he has little difficulty in getting information from the companies on what he calls "the utility side of the question." He is seeking, however, "some rules and regulations drawn up by some consumers"; and hoped that he would be able to get information from us from the standpoint of the consumers.

The inquirer has struck the real difficulty, which is indeed hard to deal with. He should, of course, be able to go to the public service

commission for any information affecting consumers. Apart from the fact that Iowa has no such commission, there is, in any case, a lack of close and immediate contact to enable the consumer to get information that satisfies his uncertainties. While the commissions have done a great deal in smoothing out consumer difficulties, they have not been able to serve as the active consumer agency that was intended originally by the system. Here is another point that will receive investigation by the New York commission, and stands out sharply for consideration everywhere throughout the country.

We were not certain that we could furnish the information sought by the Iowa consumer. We tried, however, to set before him the more important facts that are involved in "rules and regulations drawn up by the consumers." Hoping that our efforts at reply may be of use to others, we present them as follows:

So far as electricity is concerned, there is little room for conflict between the public and the companies, so far as service standards are concerned. The unit of service is the kilowatt hour, which is an exact quantity, subject to precise measure. The only question from the consumer's standpoint is whether the meter is accurate, and whether the quantity of electricity used is correctly stated. For the protection of the consumer, therefore, it is necessary that the meters be checked periodically for accuracy of recording.

The consumer, naturally, must watch on his own account, so as to catch any exceptional readings that are out of line with his usual quantity of consumption. Besides the regular inspection of the meters to assure accuracy of recording, there is also the matter of voltage. Usually the voltage for domestic lighting is 110. It is necessary to keep up the voltage. If the voltage is not kept up, then there may be a volume of electricity recorded which does not give the quantity of light or power to which the consumer is entitled under the standard voltage. These are matters that should be checked under commission inspection.

So far as electric rates are concerned, they should be based upon the cost of service, including a fair return on the property. It is, however, a difficult technical matter to determine the cost of domestic service as distinguished from commercial and manufacturing load. The differentiation of rates between domestic and other consumers is a question that has received a great deal of discussion during the last few years. Personally I am of the opinion that domestic rates are generally excessive throughout the country, and should be reduced. I believe they are badly out of line as compared with other electric rates. This, however, is a matter of specific cost analysis for each individual instance, and cannot be determined merely upon general principles or comparisons.

With respect to gas service, again the standards from the consumer's standpoint are simple, —but they must be checked up regularly for the protection of the public. What was said above in regard to meters, applies also to gas. The service is measured by the number of cubic feet of gas used. This is a matter of exact measurement by meter. It is necessary that the meters be regularly examined so as to assure accuracy of recording.

In the case of gas, content is more important than accurate meter reading. What the customer gets for use is not especially cubic feet, but heat units, represented by the number of B.T.U.'s per M cu. ft. The standard is usually set by the commission, and may vary over a wide range. The usual requirement is from 500 to 600 B.T.U.'s per M cu. ft. It is important that this content be regularly checked by the commission or the municipality. To the extent that the service is below the standard, the consumer does not get what he pays for. In a case that we have just gone over, the standard fixed by the commission is 575 B.T.U. per M cu. ft., whereas the amount actually delivered by the company averages about 525 B.T.U. Here the customers clearly are not getting what they are supposed to get.

In regard to rates, they are usually based upon the quantity of gas used. During recent years, however, there has been a movement to institute a "service charge" of about a dollar a month per customer, without any gas or only about 200 cu. ft. of gas allowed. On top of the service charge, there is then a regular flat rate per 100 or per 1000 cu. ft. of gas delivered. There is a sharp difference of opinion whether the service charged is justified. Personally, I doubt whether it has any justification under the conditions prevailing in most of the cities. We have had occasion to make a number of individual analyses, and in no case have we found the proposed service charge justified. It has resulted in every instance in imposing an excessive burden upon the mass of smaller and poorer consumers, —according to our analysis!

The question of the service charge is up extensively before commissions all over the country. It applies not only to gas, but also to electricity. Unfortunately, it has not received the critical cost analysis that it deserves. In few instances has the matter been examined from the standpoint of the public. It is an important economic issue, and should be thoroughly studied from the scientific and public standpoint, and not from a narrow and partisan point of view. Fair rates must be fixed with reference to equity between different classes of consumers, but they must be based upon facts properly presented and analyzed. Such full consideration, unfortunately, has not been given to the institution of the service charge.

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What Is "Value of the Service" in Rate-Making?—Among the factors of rate-making

which have received verbal recognition by the courts from the beginning of active regulation is "value of the service." While a company is entitled, in general, to rates which will cover the cost of service, including a fair return on the fair value of the property, it is not entitled to rates which exceed the value of the service. This limitation upon rates, however, has remained largely an academic one. While it has often been repeated by the courts, actually it has had little or no application. It has not appeared in such form as to require precise definition and exact determination in its relation to the rights of the companies, and has remained only as a factor to be referred to in the discussion of rates.

In New York City, there have been three cases before the transit commission during the past year which have brought to the front the value-of-service factor. While all three cases involved questions of local franchises and procedure under the New York statute, they finally raise the issue whether rates can be properly fixed beyond a point where they will cease to produce any financial benefit to the companies. In all three cases the rate of fare is five cents, as fixed by franchise. Apart from the question of power under the New York statute to change the franchise rates as proposed, the final question arose whether the companies are entitled to charge seven cents, as they propose, when the facts are clear, as contended by the City of New York, that the higher rates would result in such loss of traffic that the companies would be no better off financially than at the existing rate.

The position taken by the City of New York in opposing the increase is that the proposed rate exceeds the value of the service. Under the local conditions, street railway service is not worth over five cents. If a higher rate were charged, there would be such a reduction in the use of the service, that the companies would be worse off than at the five-cent fare. Evidence was presented before the commission to support this contention. Among the facts presented were: (1) the numerous points of subway competition at a fixed five-cent fare; (2) the availability of bus transportation at a five-cent fare; (3) the shortness of the average ride; (4) the slow speed of operation; and (5) the general prevalence of the five-cent fare throughout the city. All these conditions stand against the practical possibility of increasing the fares upon the particular lines above five cents. They fix the limit to the value of the service under New York City conditions.

The commission, it was contended, should not, as a matter of public policy (and under the law), grant a seven-cent fare, if plainly this exceeds the value of the service and thus would produce no financial benefit to the companies. Among the primary facts to be determined by the commission, therefore, is the value of the service as a limit upon the rates to be fixed by public authority.

The commission has decided the cases, and has rejected the higher fare schedules. The decision was based principally upon procedural grounds under the New York statute. The opinions, by Chairman William G. Fullen, however, bring out the underlying economic factor of the value of the service, under the particular conditions. The cases are likely to go to the courts, and will probably bring up for judicial determination this factor, which has thus far received only abstract consideration.

In an ordinary rate case, the value of service has no specific weight in the determination. This is true whenever rates are actually flexible, when they can be increased materially without great loss of business and when the higher rates will bring additional returns on the property. This is, of course, the normal situation. Usually rates are considerably lower than the traffic would bear without the restraints of regulation. When, however, rates have reached this maximum, so that further increases would not yield additional net returns, then they are limited by the value of the service and should not be advanced any further.

In any particular case there is the question of fact, where this point of limitation is and how it is to be determined. As a general economic factor it is readily defined, but its practical determination may be difficult because of factual uncertainties. In the New York City cases there seemed to be no other finding possible, and an increase would thus be prevented by the lower value of service. But even here the companies contend to the contrary, and will probably seek a judicial determination of the facts and their significance.

The value of service, we believe, is an important factor in most street railway cases which involve rates materially above five cents. We doubt whether in any city the value of the service is ten cents, except for long-distance traffic.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since July 1, 1929:

Detroit Bureau of Governmental Research, Inc.:
Statistical Records of Detroit.

Taxpayers' Association of Fall River, Inc.:
Assessed Values, Bonded Debt and Tax Levies of Massachusetts Cities as of January 1, 1929.

Indianapolis Chamber of Commerce:
The Need of Budgeting Capital Expenditures for Indianapolis.

Bureau of Efficiency of the County of Los Angeles:
Survey of the Purchasing and Stores Department, County of Los Angeles, for 1928.

St. Louis Bureau of Municipal Research:
Purchasing Motor Trucks.

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Bureau of Municipal Research, Akron Chamber of Commerce.—Coöperation of city, county and school officials, Chamber of Commerce committees and the Bureau lowered Akron's 1929 tax rate for 1930 expenditures from a threatened $29.42 per $1,000 to $28.30, a saving of $509,283. Furthermore, in this reduced levy were included increases for certain functions which had not been adequately provided for in the preliminary budgets. None of this reduction was forced by the state tax limit law, for the city has its own charter limitation, and the schools have a voted levy. Neither of these outside limits was reached. Studies made by the Bureau, at the request of city and school officials, had effected other savings before the preliminary budgets were worked out. Following these studies the Bureau made several suggestions concerning the operation of sinking funds.

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Buffalo Municipal Research Bureau.—Inasmuch as after January 1, 1930 the mayor receives the full benefit of charter provisions regarding appointments and removals, the election this fall will determine the character of government in Buffalo for the next four years. Much of the Bureau's future utility will be determined by the attitude of the elected officials—mayor and councilmen—on specific questions that the Bureau has already raised, or may raise in the future.

During the past two years, the Bureau has made a number of recommendations to officials, looking toward definite economies or efficiencies in administration. Some of these proposals have been embodied in measures which the city government has adopted; others are under consideration; still others have been shelved or rejected.

In keeping with its past policy, the Bureau's interest in the coming election lies in measures, policies and principles of sound business administration, rather than in the personalities of candidates. The Bureau will not be for or against any candidate, but will direct attention to certain issues which will spell either good or bad government, no matter who is elected.

The Bureau's election program includes a series of its regular *Municipal Research Bulletins*, discussing in detail past, present and future work and policies of the city government; a series of ten radio talks to be given by ten members of the Bureau's board of directors; a series of articles for ten weeks in fourteen neighborhood newspapers, and special articles for the dailies; talks by the director and staff to various civic and business organizations; distribution, through department stores, of small printed slips to be wrapped with purchases, each slip carrying a condensed, brief "issue" of good government; cartoons displayed in the street cars and store windows; and other mediums for reaching the public. The Bureau's campaign slogan will be "Good Government in Buffalo—No Matter Who Is Elected."

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California Taxpayers' Association.—M. D. Lack, tax counselor, and James Mussatti, editor of *The Tax Digest*, represented the Association at the Western States Taxpayers' Conference at Cheyenne, Wyoming, July 29 and 30. Mr.

Lack delivered an address on "The Regulation and Control of Bond Issues and Assessments," which will be reprinted in a future number of *The Tax Digest.*

The analysis of expenditures and costs of government of Solano County has been completed and is now in the hands of the printer. It will be ready for distribution within the next thirty days. The study of fire costs in California has also been completed and will appear in a future number of *The Tax Digest.* This study shows that losses per fire average as high as $300 in certain cities. In one city the maximum was $9,000 per fire. The cost of extinguishing fires averages $500 in some cities, while in others it may amount to as much as $2,500.

The research department is making a study and analysis of the budget of Santa Barbara County. It is also compiling statistics on the costs of libraries in California cities, and investigating street cleaning costs. Other subjects now being studied include expenditures for state and county highways and costs of new school buildings, county hospitals and street pavements.

The research department is compiling, for the use of its staff, a data book in which will be included the following materials: general statistical data, general governmental statistics, educational statistics, financial statistics, utilities information, health and welfare information, engineering information, court statistics, recreational area statistics and statistics on protection of persons and property.

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Civic Affairs Department, Indianapolis Chamber of Commerce.—The Department has completed a report showing the urgency of budgeting capital expenditures in Indianapolis. This report is receiving wide circulation among local officials and citizens. It is the plan of the civic affairs committee soon to call a conference of officials of all the units of local government to discuss the situation, in the hope that the officials may formulate a program of capital improvements for the next decade. The report lists all proposed improvements and compares the estimates of their costs with the total borrowing power remaining and accruing to each unit of government during the ten-year period. It reveals that there is insufficient borrowing power to finance all the proposals for this period. Because of the large amounts spent annually for interest and retirement charges, the report urges officials to consider adopting the pay-as-you-go method.

The Department is making its annual study of local budgets in the hope of averting large increases in the local tax rate for 1930, and is participating with the city council and other officials in the consideration of public budgets.

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Kansas City Public Service Institute.—Follow-up on the police survey, study of school finances with reference to the proposed bond issues, and planning in connection with the state financial survey constitute the principal immediate activities of the Institute.

The follow-up work on the police survey covers most of the important recommendations made in the survey report. Complete new signalling and call systems are being planned in coöperation with the police department, the telephone company and the power and light company. Improvements in the accounting and budget procedure of the department are being installed. Reorganization plans for the entire department are being studied with the police commissioners. Development of the police school and of procedure for selecting new men is under way. Intelligence tests and police tests have been given to a considerable number of men.

For some time the Institute has been urging the board of education to establish school building financing on a pay-as-you-go basis. The Institute recognizes the necessity of a proposed bond issue of $5,000,000, but believes that this will be the last bond issue necessary unless there is an unexpected growth in the school system. Re-checks on previous estimates, in view of the proposal to submit the $5,000,000 bond issue to the people this fall, show that they are still essentially correct.

At last winter's session the state legislature provided for a survey commission to study all phases of state government in Missouri. This commission is also to prepare a financial plan for handling capital needs. Griffenhagen & Associates, Ltd., are to be associated with the St. Louis Bureau of Municipal Research and the Kansas City Public Service Institute in the financial part of this survey. The work must be completed and a report submitted before November 30.

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Philadelphia Bureau of Municipal Research.—One of the recommendations that grew out of the study of municipal contracts which the Bureau

of Municipal Research is making as agent of the Thomas Skelton Harrison Foundation is that the city should prequalify contractors who are bidding on public works contracts. This recommendation later found its way into the report of the mayor's special committee on city contracts, and finally, on June 14 of this year, an ordinance was approved by the mayor providing for the pre-qualification of prospective bidders by the director of the letting department. It provides also for a review of his decision by a board of review, which is to consist of three city officials having to do with construction contracts. They are to be appointed by the mayor.

This ordinance is now about to be tested in the courts. Shortly after it was passed the city advertised a subway construction contract. There were twelve applicants for prequalification, three of whom were rejected. An appeal was made by these three contractors; a board of review was appointed by the mayor on July 17; and the appeal was heard on the following day. Their disqualification was sustained by the board of review, and the contractors are now carrying the issue into the courts.

George B. Galloway, who has been a member of the Bureau staff since 1926, specializing in electoral problems, has resigned to join the staff of Editorial Research Reports in Washington, D. C., on September 1.

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Schenectady Bureau of Municipal Research.—In conjunction with the New York State Conference of Mayors, the Bureau is sponsoring a series of radio talks on municipal administration to be given by experts from all parts of New York state. This series probably will be broadcast over the New York state network. The managing director of the Bureau will introduce each speaker. The program is as follows:

Sept. 9—Opening Talk, "The Future of City Government," Frederick C. McLaughlin, mayor of White Plains, and president, New York State Conference of Mayors.

Sept. 16—"City Planning," Commissioner W. D. Heydecker, Mt. Vernon.

Sept. 23—"Assessments and Taxation," Commissioner George Taylor, Rochester.

Sept. 30—"Municipal Finance," (How and from what sources municipal revenues are obtained), Comptroller William Pugh, Utica.

Oct. 7—"Municipal Finance," (Controlling current and capital municipal expenditures), Comptroller Leon G. Dibble, Schenectady.

Oct. 14—"Police," Police Commissioner James W. Higgins, Buffalo.

Oct. 21—"Fire," Chief Michael Fleming Albany.

Oct. 28—"Education," Superintendent Arvey Eldred, Troy.

Nov. 4—"Health," Dr. George C. Ruhland, Syracuse.

Nov. 11—"Charities," Commissioner Leo Doody, Albany.

Nov. 18—"Water," City Manager J. Walter Ackerman, Watertown.

Nov. 25—"Municipal Purchasing," Purchasing Agent Wendel E. Andrews, Rochester.

Dec. 2—"Civil Service," Secretary Herbert B. Myron, Syracuse.

Dec. 9—Closing Talk, "Overcoming Inefficiency in Municipal Government," W. P. Capes, secretary, New York State Conference of Mayors.

At the request of the Bureau, city officials have obtained bids on the printing of 2,200 copies of the long-term financial program. Of these copies, 1,000 are to be retained by the city for general distribution and 1,200 have been taken by the Schenectady Chamber of Commerce and will be sent to its entire membership. Comments on the program, which have been received from governmental authorities in all parts of the United States, will be placed in the printed volume. The Bureau has received scores of requests for this study and will now be able to supply the full demand.

An ordinance has been drafted by the Bureau, providing for the establishment of a capital budget commission to consist of five city officials and three private citizens. This commission will advise with the common council concerning fiscal matters and study continuously the financial condition of the city. It will also supervise the carrying out of the long-term financial program prepared by the Bureau.

The Bureau has made a study of the salaries for all positions in the classified service of the city, covering a period of eleven years. The percentage of increase in each salary item and the name of the present incumbent of each position have also been included. This material was transmitted to the board of estimate and apportionment for its guidance in a job classification and salary standardization plan for the municipal civil service.

The Bureau will concentrate its attention for the next few months on obtaining official approval of its reports on purchasing, civil service, charities and the collection of delinquent taxes, all of which are now pending.

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Western States Taxpayers' Conference.—Twelve western states were represented at the Western States Taxpayers' Conference, held at Cheyenne, Wyoming, July 29–30. Among the major subjects discussed were the regulation and control of bond issues and assessments, the simplification of state and county government, and the mechanics and operation of a successful budget system. The Conference was addressed on July 29 by Harley L. Lutz of Princeton University, who spoke on "Creating a Tax-Conscious Public." "The Mounting Costs of Schools" was the subject of a discussion led on July 30 by M. H. Harris of the Utah Taxpayers' Association.

Representatives from tax organizations in Nebraska, Iowa, South Dakota and Arkansas were present and asked to be admitted to the Conference. It was decided to make the Conference a national organization, and open it to all taxpayers' associations and governmental economy leagues throughout the United States. Further information on this subject can be had from A. C. Rees, executive secretary, 619 Kearns Building, Salt Lake City, Utah. The secretary will prepare and distribute a digest of the conference preceedings.

Phoenix, Arizona, was selected as the place for the 1930 Conference, and Robert E. Tally, of the United Verde Copper Company, Phoenix, was chosen president for the ensuing year.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Fusion Worse Confounded.—Fiorello La Guardia, militant little Italian-American, who promises Tammany a fight "on the level and without quarter," has been chosen Republican champion against the far-famed "Jimmie" Walker. Though designated by an almost unanimous vote at the voluntary convention of city Republicans, he was by no means a unanimous choice. For one thing he has represented a radical district in uptown Manhattan, running once as a Socialist and five years ago with a La Follette endorsement. The *New York Tribune* (R.) thinks him a man of unstable convictions. His selection was fought principally by two groups: firstly, the sincere conservatives of his party, for the Republican party in New York as in Boston and many other cities is the party of the conservatives; and secondly, by a substantial bloc of party leaders who feared to alienate an important number of wealthy supporters not only for the time being but perhaps permanently. The habit of deserting one's national party in local elections is one which the Republicans can scarcely afford to cultivate. But the scrappy little major—for he fought on the Italian front with the U. S. Air Service—would not be gainsaid. For some reason he wanted the nomination. No one else did. His very determination to have it scared off any other takers. The threat that he would ignore the convention and contest any other designation in the primary was formidable. Had the leaders been able to promise that they could defeat him it would still have meant a bill of $50,000 for the candidate and his friend and the leaders could make no such promise. And so it came to pass that his opponents never did find a candidate. And so the "unofficial" convention, having adopted an "unofficial" platform—which he was kind enough to call "quasi-LaGuardian" in its progressiveness—could do nothing else but accept him, however sourly.

As a matter of fact, the rank and file of party workers are quite pleased. He gives every promise of a noisy campaign and should he, by some miracle, be elected he would not "high-hat" his friends. Indeed, for Tammany, it means an attack on a flank they are seldom called on to defend. The Republicans can ordinarily be depended upon to trot out some staunch defender of good government and big business, and the workingman, immigrant, or rent-payer scarcely raises an eyebrow. But here is a doughty champion of labor and the downtrodden and a popular figure among the 200,000 Italian voters (mostly Democratic). He is worth far more votes to his party than his nomination will cost but it will be rather more difficult to raise the usual campaign fund. It is doubtful if he will have the endorsement of a single newspaper in the city and most of the civic groups will look upon him with little favor. It will, nonetheless, or perhaps all-the-more, be an old-fashioned rough and tumble fight. He will get a big vote and "Jimmie" Walker will get one 300,000 bigger.

JOSEPH MCGOLDRICK.

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Grand Rapids Assistant Manager Talks Sense.—Grand Rapids' managerial difficulties have been noted in two recent issues of the REVIEW.[1] Readers will recall that George W. Welsh, political boss and long-time enemy of the manager plan, upon being elected manager promptly turned over his $12,000 salary to an assistant manager. Evidently Assistant Manager Waring is doing the manager's work, leaving the manager free to attend to his political activities.

At any rate, the following editorial from the *Grand Rapids Press* indicates an understanding of the theory of the manager plan, and reveals a difficulty confronting many managers in other cities. We quote it for the enlightenment of other city councils which may be experiencing similar temptations to stray beyond their appointed fields.

The City commission last week passed a resolution calling for installation of a traffic light at Leonard Street and Front Avenue. It did so despite the fact that Assistant City Manager George Waring had advised the introducer no such signal was necessary, and that police regulation at the corner had been established after a study by police department traffic experts. Nor did Mr. Waring stop there.

The executive branch of the government, he declared, can take care of matters involving

[1] See NATIONAL MUNICIPAL REVIEW for June, p. 428, and for July, p. 434.

technical problems. There often is too much interference from the legislative branch.

Grand Rapids' city commission after a dozen years of such petty interference apparently has still to learn its lesson. The city hires a city manager, a police chief and a number of technical experts. It then disregards their decisions and overrides them even in such petty matters as the substitution of a traffic light for a patrolman at an intersection.

It is about time the commission stayed on the legislative side of the fence and left technical matters of administration to those employed—and fully competent—to handle them.

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Real Estate Subdividers Win Awards for Park Areas.—With a donation of $2,000 to Laura A. Patridge of Owosso, Michigan, the Harmon Foundation of New York City has completed a total of sixteen awards to real estate companies which have set aside land for permanent public playgrounds, according to the Playground and Recreation Association of America, which administered the awards.

Fourteen subdividers have received $2,000 awards and two have received $1,000 awards. The playgrounds donated vary from one to eleven acres in area. They range from one and six-tenths to fourteen per cent of the subdivisions of which they are a part, twelve of them being in excess of four per cent.

Factors influencing the choice of real estate men to receive the awards were the type and promise of the subdivision, the rapidity of the city's growth in population, and the willingness of the city to accept the play areas.

The appraised value of the areas set apart is more than $121,000. In most cases, the money given was devoted to developing and beautifying the play spaces.

The purpose of the Foundation's awards was threefold: to show municipalities that it is wise to acquire recreation space from subdividers at no expense save loss of taxes; to show subdividers that it is profitable to donate space for public use and even to go to the expense of improving and beautifying it; and, third, to inform prospective home buyers of the advantage to themselves and their children of a play area near their homes.

The experience of the National Realty Company of Indianapolis, which set aside playground space in a Battle Creek subdivision for Walter Betterly, illustrates the advantage reaped by the real estate man.

"Within a period of approximately three weeks we disposed of all of the lots," writes the company, "and we all feel that the success of this sale was due in a very large measure to the setting aside of a little over three acres of beautiful wooded land in the subdivision for a recreational area.

"Practically all of the buyers have children, and the idea of having a play field and recreational area met with their instant approval. The first lots to go were those near this part that was set aside. I feel that this is the first thing a subdivider should provide for in his plat."

The city stands to gain even more than the donor of the recreation site, it is pointed out by W. E. Brooks, city manager of Morgantown, West Virginia, to which the Suncrest Homes Company gave four and a half acres. "It receives without cost a piece of land which in a few years could be purchased only at figures which would perhaps be prohibitive," he stated.

The companies receiving the awards were: Will County Realty Co., Joliet, J. D. Diffenbaugh, Monmouth, and the Carl O. Johnson Co., Rockford, Illinois; H. A. Smith, Anderson, Indiana; Great Lakes Land Co., Inc., Detroit, Sun Set Hills Development Co., Grand Rapids, and Mr. and Mrs. Walter Betterly, Battle Creek, Michigan; George F. Kramer, South St. Paul, Minnesota; Conshohocken Realty Co., Conshohocken, Pennsylvania; Boundary Realty Co., New York City; Estates Realty Co., Lorain, Ohio; Monticello Land Co., Fort Worth, J. A. Stobaugh and Mrs. Anna L. Newlin of Coleman, and Mr. W. L. Stark, Austin, Texas; the Sunset Homes Company, Morgantown, West Virginia, and Henrietta Fuller, Jessie Wallis and Amanda Crooks of Racine, Wisconsin.

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Special Assessments in California.—As many of our readers know, the special assessment situation in California has assumed serious proportions because of a too ready willingness to undertake improvements to be paid for from this source, and to inequitable methods of spreading the assessments on bases of values which have not materialized. The following is a statement recently issued by the California Taxpayers' Association as a gun in the campaign to secure restrictive legislation.

The special assessment system of California is complicated, overlapping, and many times unfair to the taxpayer.

Due to the influence of those who have their own special interest at heart or due to false local pride, improvements have been undertaken which far exceed the economic capacity or desire of the owner of the property assessed. This is

very unfair to the taxpayer and in many cases results in the confiscation of his property.

The bureau of the census of the United States recently compiled statistics showing that the average per capita cost of special assessments of all cities in the United States was $4.90, whereas the average for California cities was $12.53.

During 1928 in the City of Los Angeles special assessments amounted to approximately $40,000,000—a per capita of approximately $28.00.

The California Taxpayers' Association believes that the following changes should be made in our special assessment laws in order to remedy this expensive, cumbersome, inconvenient and complicated method of making our public improvements:

1. A debt limitation should be established.
2. The wrongs in foreclosure procedure should be corrected.
3. A majority protest of property owners should be overruled only by a unanimous vote of the Council.
4. A protest containing over 60 per cent of the maximum protest weight possible in the district should be final.
5. Protests in the zone of full benefit should be given weight in proportion to the assessed land value as shown by the assessor's records.
6. Progress Payments. Based on estimates of cash, provision should be made for the issuance and sale of bonds to cover 75 per cent of the estimated cost of the construction and 100 per cent of the estimated incidental expenses before letting the contract. The contractor should be paid in cash as the work progresses. In no case should the amounts exceed 75 per cent of the work completed. After completion and final acceptance, sufficient bonds should be issued and sold to complete the payment and take care of any error in the estimate of expenditure.
7. Notice of delinquency in payments on special assessment bonds should be made upon the county tax bill.
8. No foreclosure proceeding should be commenced upon any bond unless personal demand has been made at least sixty days before upon all parties interested in the property or until twelve months after any default in a payment of principal or eighteen months in a payment of interest.

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Report on Legislative Results.—The Illinois Municipal League has published two records of the work of the recent state legislature. The first pertains to legislation affecting municipal officials, the second to measures of interest to park boards. The subject matter is classified into bills enacted into law, undesirable bills defeated, and good bills which failed. A. D. McLarty, Urbana, Illinois, is secretary of the League.

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Removal of Mayor Walker Demanded.—Dr. William H. Allen, director of the Institute for Public Service, New York City, has petitioned Governor Roosevelt to use his constitutional power to remove Mayor Walker, now running for reëlection. Dr. Allen charges Walker with "prodigiously wasteful neglect, inefficiency, broken pledges, false official publicity, preventable delays, misspending, overtaxing, unfair assessing, encouraging graft and violation of law."

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Proposals to Adopt the Manager Plan in Terre Haute and Vincennes, Indiana, were defeated recently by decisive votes. In each city only a small percentage of the potential vote was cast.

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Kentucky Organizes League of Municipalities.—A Kentucky League of Municipalities, with Dr. C. T. Coleman, Mayor of Frankfort, as president, has been organized by a group of officials from fifteen Kentucky cities and towns invited to Lexington by Dr. J. Catron Jones, head of the Department of Political Science, University of Kentucky.

Other officers of the League elected were: vice president, Mayor W. R. McKee, Mt. Sterling; secretary and treasurer, Dr. Jones; general counsel, M. C. Redwine, city attorney of Winchester; and trustees, Arthur Daly, city attorney of Newport, W. C. Wilson, commissioner of public works of Lexington, and Lester Hogge, city attorney of Morehead.

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Appointment at University of the City of Toledo.—Orven R. Altman, M.A. University of Illinois 1928, and assistant in political science at the University of Illinois 1928–29, has been appointed instructor in municipal science at the University of the City of Toledo to fill the vacancy created when J. Curtis Jenkins resigned to accept a position in municipal research work under Mayo Fesler at Cleveland.

This year Toledo University will have 150 students in municipal government and 16 students in municipal administration.

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Waterbury Studies Its Government.—Griffenhagen & Associates have been retained by the Waterbury Charter Commission recently appointed by Governor Trumbull of Connecticut. The commission plans to codify the present charter, determine the financial condition of the city and make recommendations for a new charter.